

# **Formulating court interpreting models: A South African perspective**

by

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## DECLARATION

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This research is submitted in accordance with the requirements for the degree of Doctor of Literature and Philosophy (DLitt et Phil) in the subject Linguistics (Translation Studies) at the University of South Africa.

I, **Samuel Joseph Lebesse**, student number 06103456, declare that this thesis entitled **FORMULATING COURT INTERPRETING MODEL: A SOUTH AFRICAN PERSPECTIVE**

is my own work and has not been submitted for any other degree in any other university.

Signature: ..... Date: .....

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## **DEDICATION**

I dedicate this work to all Court Interpreters in South Africa, whose role is so ambiguous and confusing. As a result, they have to deal with controversies surrounding their role and positions (Lebese 2014: 185). While they perform their duties from day to day, without proper guidance, they are constantly making decisions and solving problems by themselves, and do so by navigating the treacherous waters between the Scylla of literal interpreting and the Charibdis of free interpreting, which sometimes distorts meaning and thereby perverts justice (Mikkelson 2008: 2).

## **ABSTRACT**

Presently in South Africa there are no home-grown models of interpreting developed for court interpreters to serve as a guide in the performance of their duty. As such, it was assumed that court interpreters depended on international models to guide them in their work. International models, though they speak to the profession of interpreting in general, lack the specificity that is required to speak to the South African context, leading to problems during the process of interpreting. In the light of this background, this study aimed to: investigate how international models were formulated, by whom and why; establish how South African court interpreters perceive the phenomenon of interpreting and the challenges they encounter in the field; examine how the international models of interpreting function in the South African context and their impact in the courts of law; and formulate an interpreting model that is informed by South African languages, cultures and court experiences. Two theoretical frameworks guided this study: Descriptive Translation Studies (DTS) and Cultural Studies. The former was used to describe what transpires in the South African court system with regard to interpreting, while cultural studies theory was used to explore cultural issues in this field.

In order to fulfil the aims of the study, the qualitative research method was adopted to collect and analyse data. Data was collected from practising court interpreters using four methods: focus groups, questionnaires, courtroom observations and interviews. The selected methods were used to collect data so that a balanced and integrated view of interpreting could be sought for the purposes of developing a representative model.

The findings of the study showed that there is a fairly balanced representation of men and women working as court interpreters, yet more than three quarters of these are not trained in languages and in court interpreting. This points to an urgent need to train court interpreters so that they may carry out their duties effectively. In defining a court interpreter, diverse definitions were provided; these included facilitator of communication, language facilitator, conveyor of messages, helper in the courts, and mediator among others.

Most of these definitions were in line with international models but the definitions were born out of experience and not training because, when asked directly what interpreting models are, almost none of the participants could define a model and gave examples of modes of interpreting in place of models per se. Because models of interpreting serve as a guide for the court interpreters, a lack of knowledge thereof shows that South African court interpreters work without guidance, emphasising the need to develop a local model that addresses the needs of the country.

In defining court interpreting, diverse definitions were also provided; the most interesting was the perception of court interpreting as a communication process that involves listening, analysing, taking down notes, remembering, and presenting the message to the target listener. Although not many held this view, this definition showed that through experience and practice, court interpreters gain useful knowledge about their trade; thus, experience cannot be downplayed in the field. With regard to the roles and duties of court interpreters, it was noted that they perform different duties which are in conflict with their job title. Beyond the fact that this proves that there is controversy over the duties of court interpreters, the findings show that court interpreters are not treated as the professionals that they are. In line with the findings, the researcher developed a socio-linguistic-cultural model that put emphasis on training of court interpreters, language, culture and subject knowledge. The method of trial and error that is currently prevailing in South Africa was strongly condemned in the study. The study recommended that court interpreters be trained, the DoJCD should recruit qualified interpreters, legislation on court interpreting should be developed as well as setting up a court interpreting professional body to which all court interpreters must subscribe and be members, among others.

**KEY WORDS:** Interpreter, court interpreter, court interpreting, interpreting, model of interpreting.

## **KHUTSHWAFATSO**

Gajaana mo Aforika Borwa ga gona dikaedi tsa batoloki tse di tlametsweng batoloki ba dikgotlatshekelo, tseo di dirang jaaka kaedi ya ka fa ba tswanetseng go dira tiro ya bone ka teng. Ka ntlha ya seo, go ne ga akanngwa gore batoloki ba dikgotlatshekelo ba latela dikaedi tsa dinaga tsa kwa ntle go dira tiro ya bona. Dikaedi tsa dinaga tsa kwa ntle, le fa di dirisiwa jaaka kaedi mo tirong ya batoloki ka kakaretso, ga di kgone go kaela sentle batoloki ba ba dirang mo dikgotlatshekelo tsa Aforika Borwa. Seno, se tlhola mathata mo tirong ya batoloki jwa kwa kgotlatshekelo. Ka lemorago leno, maikaeleo a serutwa seno e ne e le go batlisisa gore dikaedi tsa dinaga tsa kwa ntle di tlamilwe jang, ke bomang, le gore ke ka ntlha ya eng di tlamilwe jalo. Gape le go batlisisa gore batoloki ba Aforika Borwa ba tlhologanya jang lereo la batoloki, mmogo le dikgwetlho tse ba rakanang natso mo tirong ya bona ya batoloki. Sengwe gape, e ne e le go lebelela gore dikaedi tsa dinaga tsa kwa ntle di dirang jang ka fa tlase ga maemo a fa Aforika Borwa, le seabe se di nang le sona mo dikgotlatshekelo. Kwa bofelong, maikaelelo a serutwa seno, e ne e le go tlhama kaedi ya batoloki e e ka ga dipuo le ditso tsa Aforika Borwa, le ka fa di dirang ka gone, mme seno se kapantswe gape le maitemogelo a kwa kgotlatshekelo. Serutwa seno, se ne se kaelwa ke dikakanyo di le pedi, e leng Ditlhaloso tsa Dithuto tsa Phetolelo (Descriptive Translation Studies kgotsa DTS ka bokhutshwane), le Dithuto tsa Setso (Cultural Studies). DTS e ne e dirisetswa go tlhalosa se se diragalang fa batoloki ba fetolela puo mo dikgotlatshekelo tsa Aforika Borwa. Kakanyo e e ka ga Dithuto tsa Setso (Cultural Studies) yona, e ne e dirisetswa go batlisisa gore setso se tsaya karolo e feng mo dithutong le mo tirong ya batoloki.

Go fitlhelela maikaelelo a serutwa seno, mokgwa wa patlisiso o o itsegeng ka 'qualitative research method' o ne wa dirisiwa go kgobokanya tshedimosetso mmogo le kanoko ya yone. Tshedimosetso e ne ya kgobokanngwa go tswa go batoloki ba ba dirang fa dikgotlatshekelo, mme go dirisitswe megwa e le mene mo kgobokanong eno. Yone ke ya dipuisano tsa ditlhopho ka ga setlhogo se se rileng, go tladiwa ga letlakala la dipotso, go lebelela tiro le karolo ya batoloki ka fa kgotlatshekelo, le go ba botsa dipotso ka ga se se lemogiwang ka fa kgotlatshekelo.

Go dirisitswe mekgwa ya patlisiso e e tlhalositsweng fa godimo gore go nne le tekatekano le tlhakanelo ya pono e e fitlheletsweng ka mekgwa e e farologaneng, ka tiro ya botoloki. Seno, e ne e le gore go tlhamiwe kaedi ya botoloki e e matlhakore otlhe.

Diphitlhelelo di supile go na le tekatekano ya boemedi mo palong ya banna le basadi ba ba dirang tiro ya botoloki, mme le fa go le jaalo, dikotara di le tharo tsa bona ga ba newa katiso mo dithutong tsa dipuo le tsa botoloki jwa dikgotlatshekelo. Seno se supa fa go na le tlhokego e tona, ya ka bonakonako, ya go katisa batoloki ba dikgotlatshekelo, gore ba tle ba kgone go dira tiro ya bona ka manontlhotlho. Mo go tlhaloseng lereo la 'motoloki wa kgotlatshekelo', batsaya-karolo ba neelane ka ditlhaloso tse di fapafapaneng, tse di akaretsang, gareng ga tse dingwe, motho yo o dirang gore puisano e nne bonolo, motho yo o dirang gore puo e nne bonolo, motho yo o fetisang melaetsa, mothusi wa kwa kgotlatshekelo, le motsereganyi. Bontsi jwa ditlhaloso tseno, di tshwana le tse di dirisiwang ke dinaga tsa kwa ntle ka bophara, mme di ne di tlhamilwe ka fa maitemogelong, e seng go ya ka katiso. Lebaka ke gore fa ba botswa gore kemedi ya botoloki ke eng, bontsi jwa bone ba ne ba palelwa ke go tlhalosa lereo leno, mme mo boemong jwa lona, ba ne ba neelana ka tlhaloso e e ka fa mokgwa o botoloki bo diragalang ka teng. Ba ne ba neelana ka dikai tse di jaaka botoloki jo bo diragalang ka tatelano, le jo bo diragalang ka nako e le nngwe. Ka ntlha ya fa kemedi e dira jaaka kaedi go batoloki, go tlhoka kitso ya yone go supa fa batoloki ba Aforika Borwa ba tlhoka kaedi mo tirong ya bone, mme seno se bontsha tlhokego ya go tlhamiwa ga kemedi e e tla rarabololang bothata jo naga e lebaganeng le jona.

Mo tlhalosong ya botoloki jwa kwa kgotlatshekelo, go ne ga neelwana ka ditlhaloso tse di fapafapaneng, mme se se neng sa tlhagelela ke kgopolo ya gore botoloki jwa kwa kgotlatshekelo ke tsamaiso e e akaretsang go reetsa, go kanoka, go kwala gore o ikgopotse, go gakologelwa, le go fetisetsa molaetsa kwa go moreetsi. Le fa e se ba le ba ntsi ba ba nang le kgopolo eno, tlhaloso eno e supile gore ka ntlha ya maitemogelo a tiro ya bone, batoloki ba kgona go nna le kitso ka ga tiro ya bone, mme ka jaalo, maitemogelo a ke se ke a tseelwa kwa tlase mo tirong eno.



Fa e le ka ga karolo le tiro ya batoloki, mmatlisisi o ne a lemoga fa batoloki ba dira ditiro tse di farologaneng, le gona tse di sa tsamaisaneng le maemo a ba bidiwang ka one. Ditiro tseno, di akaretsa go ikanisa dipaki, go buisetsa batsaya-karolo ba fa kgotlatshekelo ditatamente, go fetolela dikwalwa le go rulaganyetsa dipaki madi a senamelwa. Kwa ntle ga go supa gore go na le pharologano ka ga ditiro tsa botoloki jwa kgotlatshekelo, diphitlhelelo di supa gore batoloki ga ba tsholwe jaaka badiri ba bomaitseanape. Go ya ka fa diphitlhelelong, mmatlisisi o ne a tlhama kemedi ya kaedi ya botoloki e e ikaegileng mo bathong, e e akaretsang go tsewa tsiya ga maikutlo le maitsholo a bona, mme e gatelela botlhokwa jwa dintlha tse di ga katiso ya batoloki ba kgotlatshekelo, puo, setso, le kitso ya se go buiwa ka ga sone. Mokgwa o o dirisiwang jaaka katiso, e leng wa go boeletseng sengwe go fitlhela se dirwa ka tshwanelo, o supilwe e se o o matshwanedi mo serutweng seno. Serutwa seno, se gakolola gareng ga tse dingwe, gore batoloki ba katisiwe, Lefapha la Bosiamisi le Tlhabololo ya Molaotheo le thape batoloki ba ba nang le bokgoni jwa go toloka. Go tlhomiwe molao o o laolang dintlha tse di ka ga botoloki, mme go nne le lefapha la boitseanape la botoloki jwa kgotlatshekelo, le batoloki ba kgotlatshekelo e tla nnang maloko a lone.

**MAFOKO A A BOTLHOKWA:** Motoloki, go toloka, motoloki wa kgotlatshekelo, botoloki jwa kwa kgotlatshekelo, kemedi ya botoloki.

## SAMEVATTING

Suid-Afrika beskik tans oor geen inheemse modelle wat hoftolke as handleiding vir die verrigting van hul pligte kan gebruik nie. Daar is aanvaar dat hoftolke op internasionale modelle sou staatmaak. Alhoewel internasionale modelle betrekking het op die tolkberoep in die algemeen, ontbreek die vereiste spesifieke hoedanighede van die Suid-Afrikaanse konteks wat aanleiding gee tot probleme tydens tolking. In die lig hiervan, het die studie ten doel om te ondersoek hoe internasionale modelle geformuleer is, deur wie en waarom; vas te stel hoe Suid-Afrikaanse hoftolke die verskynsel van tolking en die uitdagings van hul beroep ervaar; te kyk hoe internasionale tolkmodelle in die Suid-Afrikaanse konteks funksioneer en na hul impak op geregshowe, en 'n tolkmodel te formuleer wat Suid-Afrikaanse tale, kulture en hofervarings weergee. Twee teoretiese raamwerke vorm die basis van hierdie studie: beskrywende vertaalkunde (DTS) en kultuurstudie. Eersgenoemde is gebruik om te beskryf wat in die Suid-Afrikaanse hofstelsel plaasvind met betrekking tot tolking, terwyl kultuurstudie-teorie aangewend is vir die verkenning van kulturele kwessies.

'n Kwalitatiewe navorsingsmodel met betrekking tot dataversameling en –ontleding is gevolg om die doelwitte van die studie te bereik. Daar is vier data-insamelingsmetodes ten opsigte van praktiserende hoftolke gebruik: fokusgroepe, vraelyste, waarneming in hofsale en onderhoude. Hierdie metodes is aangewend om 'n gebalanseerde en volledige oorsig oor tolking te kry ten einde 'n verteenwoordigende model te ontwikkel.

Die studie het bevind dat daar 'n redelike balans in die verteenwoordiging van mans en vroue in hierdie beroep is, hoewel meer as 'n driekwart van die tolke geen opleiding in taal of hoftolking het nie. Dit dui op 'n dringende behoefte aan opleiding vir hoftolke sodat hulle hul pligte doeltreffend kan uitvoer. 'n Verskeidenheid van definisies is vir *hofolk* voorsien wat die volgende insluit: fasiliteerder van kommunikasie, taalfasiliteerder, oordraer van boodskappe, helper in die hof en bemiddelaar. Die definisies is meestal in ooreenstemming met internasionale modelle, maar is eerder die gevolg van ervaring as opleiding, aangesien byna geen van die deelnemers tolkmodelle kon beskryf of 'n voorbeeld daarvan noem nie. Hulle kon wel oor maniere van tolk uitwei.

Aangesien tolkmodelle as 'n gids vir hoftolke dien, beteken die gebrek aan kennis daarvan dat Suid-Afrikaanse hoftolke sonder die nodige leiding moet werk. Dit beklemtoon die noodsaaklikheid vir die ontwikkeling van 'n plaaslike model om in die land se behoeftes te voorsien.

Uiteenlopende definisies vir *hoftolking* is voorgestel waarvan die interessantste dié van 'n kommunikasieproses is wat die volgende stappe behels: luister, ontleed, nota's maak, onthou, en die boodskap aan die doelluisteraar oordra. Hoewel min deelnemers hierdie sienswyse huldig, dien dit as bewys dat hoftolke deur praktiese ondervinding waardevolle kennis oor hul beroep opdoen. Daarom kan ervaring nie as onbelangrik afgemaak word in die vakgebied nie. Met betrekking tot die rolle en pligte van hoftolke, is daar opgemerk dat hulle verskeie take verrig wat bots met hul werksbenaming. Buiten die feit dat dit die bestaan van polemieë rondom die pligte van hoftolke bevestig, dui die bevindings daarop dat hoftolke nie as die professionele persone behandel word wat hulle inderdaad is nie. Ooreenkomstig dié bevindings het die navorser 'n sosiolinguisties-kulturele model ontwikkel wat opleiding van hoftolke beklemtoon, asook taal, kultuur en vakkundige kennis. Die lukraakmetode wat tans in Suid-Afrika heers, is skerp veroordeel in die studie. Daar is aanbeveel dat hoftolke opgelei moet word, die Departement van Justisie en Grondwetlike Ontwikkeling gekwalifiseerde tolke werf, wetgewing rakende hoftolking ontwikkel word en 'n professionele liggaam gestig word wat hoftolke kan onderskryf en waarvan hulle lede kan wees.

**SLEUTELWOORDE:** tolk, hoftolk, hoftolking, tolking, tolkmodel.

## **ABBREVIATIONS**

DoJCD: Department of Justice and Constitutional Development

DTS: Descriptive Translation Studies

SL: Source Language

ST: Source Text

TL: Target Language

TT: Target Text

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## **CHAPTER 1**

### **BACKGROUND TO AND RATIONALE OF THE STUDY**

#### **1.1 Introduction**

Presently in South Africa there are no home-grown models of interpreting that have been developed for court interpreters to serve as a guide in the performance of their duty. Thus, it is assumed that interpreters depend on international models to guide them in their work. International models, though they speak to the profession of interpreting in general, lack the specificity that is required to speak to the South African context. That is, international models represent a different linguistic and cultural environment to that of South Africa, leading to problems during the process of interpreting. This points to an urgent need to formulate a model that takes into cognisance the linguistic and cultural frameworks of South Africa. Before this model is formulated, it is important to understand the origins of interpreting and court interpreting, and what models of interpreting are. These are explained in the subsequent sections.

#### **1.2 Origins of interpreting**

Pöchhacker (2010:12) states that in its distant origins, interpreting took place when members of different linguistic and cultural communities entered into contact for some particular purpose. This purpose may have been related to business, health, legal matters and or information sharing, among others. In the United States (US) for example, the principle of 'equal access' was one of the major factors for the introduction of interpreting services, and this led to the designing of legislation to give deaf persons equal access to the labour market (Pöchhacker 2010:14). The result was the use of sign language interpreters to mediate communication between the hearing and deaf people. In simpler words, interpreting came about to aid communication between people who could neither speak nor understand each other's languages, and to facilitate or mediate communication between the hearing and the deaf. From then on, interpreting developed to the various branches it has today.

This scenario is true of South Africa, where interpreting services came to prominence so as to aid communication between the deaf and the hearing and also between people of different linguistic and cultural backgrounds. From the above discussion, it is clear that Pöchhacker sees the phenomenon of interpreting as a social context of interaction as it takes place between members of different communities (Pöchhacker 2010:12). Since communities have their own way of speaking and expressing themselves differently from others, the above assertions by Pöchhacker imply that interpreting contains an element of culture, as culture is embedded in a language. This means an interpreter has to have not only a knowledge of languages, but also that of the culture.

Pöchhacker and Shlesinger (2002:2) explain further that before the twentieth century, interpreting was generally practised by people who had a knowledge of languages only. These people acted as interpreters during business transactions and when the slaves were put to work for the colonisers. Some of these interpreters were children of immigrants, hospital cleaners and tour guides, and all of them had different levels of language and communication skills, but they were neither trained as interpreters nor belonged to any associations which could set standards of practice and working conditions for them (Pöchhacker & Shlesinger 2002:2). Pöchhacker (2010:27) observes that interpreting was considered too 'common' and unspectacular to deserve special attention.

This state of affairs unfortunately led to a lack of definition of what interpreting is, the role of interpreters, and models of interpreting, which resulted in interpreting not being recognised as a profession for a very long time. Another factor is that this situation promoted the myth that if one is able to speak two languages, he or she could become an interpreter. Unfortunately, this myth still persists today as evidenced by the many practising interpreters and translators in South Africa who are not trained in their respective fields. But as previously stated by many scholars, bilingualism is not a qualification for one to be an interpreter or translator; hence the need to train interpreters and develop models that govern their practice. In the next section, the study investigates how the phenomenon of interpreting is defined.



### 1.3 Defining the term 'interpreting'

As stated in the previous section, for a lengthy time interpreting was not considered as a profession; as such, no definitions were developed to explain this phenomenon. It was only during the twentieth century and onwards that interpreting was recognised as a profession; this led to the need to define this concept, as one of the guiding principles for good interpreting practice (Bowen *et al.* 1995:245). Roy (1993:127) explains that upon the professionalisation of interpreting, the situation arose where different individuals tried to define the concept of interpreting. However, because interpreting was traditionally subsumed under translation, some scholars defined it in the broadest sense as a form of translation. Generally, interpreting was defined as the transfer of thoughts and ideas from one language to another (Roy 1993:127). Scholars such as Gonzalez *et al.* (1991:25) state that interpreting is often defined in terms of translation, as it is usually considered the oral form of the translation process. The only distinction made between interpreting and translation is to refer to interpreting as a translation of spoken messages, and translation as that of written messages (Roy 1993:127). This lack of distinction between translation and interpreting usually robs interpreting of its own unique identity. This problem is still persistent in South Africa where many cannot distinguish between translation and interpreting. It is important to state that in order for interpreting to grow as a profession and a discipline, there is a need to view it and define it differently from translation, as there are two different processes involved in the two practices.

In the 90s, Kohn and Kalina (1996:119) defined interpreting as a communicative interaction between members of different language communities mediated by interpreters, which makes it a form of cross-linguistic and cross-cultural communication. Kohn and Kalina emphasise the communicative aspect of interpreting, in that it aids understanding between people who speak different languages and are of different cultural backgrounds. This definition captures some of the central aspects of interpreting but is still lacking in many aspects: for example, it does not take sign language interpreting into account. Pöchhacker and Shlesinger (2002:3) later defined interpreting as an inter-lingual, inter-cultural oral or signed mediation, enabling communication between individuals or a group of people who do not share, or choose not to use, the same language.

From this definition, interpreting goes beyond the linguistic aspect of communication and includes culture and communicative signs between languages. Pöchhacker and Shlesinger (2002:3), as well as Kohn and Kalina (1996:119), seem to emphasise that language and culture are closely linked during the process of interpreting; the present study supports this notion. Lee (2009b: 380) is also of the view that when a speaker uses a metaphor which contains cultural aspects, the interpreter has to explain the meaning of that metaphor to the receiver of the message. This observation is supported by Kelly (2000:131) who explains that if the interpreter does not explain the meaning of the metaphor, this would show a lack of cultural sensitivity on the part of the interpreter, which may have untoward consequences. The aspect of culture in interpreting is fully discussed in Chapter 2.

Over the years, many definitions of interpreting have been developed. Not all of them will be discussed in this study, but basically this study holds the view that interpreting is a communicative interaction between members of different language communities, sign language included. The definitions of interpreting discussed above also indicate that interpreting involves the transference of meaning, communication and culture. It is important to note that there are different forms of interpreting: these include conference interpreting, business interpreting, and medical interpreting among others, and these activities are also defined differently. Conference interpreting is used to facilitate communication amongst speakers of various languages attending a meeting or a conference; the interpreter employs the simultaneous mode of interpreting. Business interpreting is interpreting that takes place during business meetings between business partners and sometimes between employers and employees. Medical interpreting is a form of interpreting that takes place between a doctor and a patient, and normally the consecutive mode of interpreting is utilised. In this study the focus will be on court interpreting; because court interpreting takes place in a particular setting, namely in the courtroom; the next section examines how the phenomenon of court interpreting is defined.

#### **1.4 Defining court interpreting**

Court interpreting, which is the focal point of this study, is regarded as a sub-discipline of interpreting, and is specifically used in the courtroom setting. As a result of its location, judges in the courts of law have exercised an influence on how this phenomenon is defined.

Beside judges, scholars and practitioners of interpreting have also given their own definitions of what they consider court interpreting to be. This section examines the different definitions.

Davidson (2000:382) and Pöchhacker (2010:15) state that court interpreting takes place within a court setting and that this determines how interpreting should be carried out. In line with this view, Stern (2011:325) defines court interpreting as a type of interpreting that takes place in judicial settings such as courts of all instances and tribunals that operate in the manner of a court. This definition displays many limitations in that it focuses on the setting where interpreting takes place and not on what transpires during interpreting or the purpose of interpreting. The above definition is in line with an earlier definition by Mikkelsen (1999b:1) who asserts that court interpreting or legal interpreting, as some refer to it, consists of interpretation that takes place in a legal setting such as a courtroom.

The definition provided by Morris (1995a:25) is even broader than those of the two scholars mentioned above, as she defines court interpreting not only as a process that takes place in a courtroom, but also as an activity in which the interpreter decodes and attempts to convey his or her understanding of the speaker's meanings and intentions. The role of the interpreter is central in this definition, and the interpreter might be influenced by many factors in his or her understanding of the speaker. These factors include knowledge of the two languages, knowledge of culture, educational background, experience, and the model underpinning the interpreter's interpreting, among others. From this discussion, it is clear that there is more to interpreting than what these scholars are presenting, and an inclusive definition is required.

Shuttleworth and Cowie (1997:32) note that a definition of court interpreting should not be restricted to the courts only, as court interpreting is a term that refers to all kinds of legal interpreting. This kind of interpreting takes place either in a courtroom or in other legal settings, such as police departments, prisons, or at immigration authorities. This being the case, Shuttleworth and Cowie (1997:32) state that the basic purpose of court interpreting is to enable the client to participate in proceedings and provide communicative links between claimants and the adjudicating body, thus ensuring the effective exchange of messages and the success of legal process.

This means that court interpreting must aim at enabling those who cannot speak and understand the language used in court, to follow and understand the proceedings in order to participate in such proceedings. This definition seems to have been adopted by Shlesinger and Pöchhacker (2010:1) who maintain that safeguarding understanding among all participants in legal proceedings involving speakers of other languages, is the *raison d'être* of court interpreting.

### **1.5 Interpreting in South Africa with special reference to court interpreting**

What is known as South Africa today was a terrain comprising many nations who were speakers of different languages. In simpler words, prior to the coming of the whites, multilingualism was the order of the day and informal interpreting took place to aid communication between people from different linguistic backgrounds and between the hearing and the deaf. The contact between Africans and the whites, Indians and other groups of people brought interpreting to prominence, but it was not considered a profession. Although considered an occupation nowadays, interpreting has not been afforded professional status and no licensing or certification is currently required in South Africa for one to work as an interpreter. This status quo denies interpreters in general the respect and recognition they deserve in society. There is, however, the South African Language Practitioners' Council Act, 2014 (Act No. 8 of 2014), but it is not really effective as yet.

The South African court system is not much different from that of overseas countries, in that the services of court interpreters are utilised during court proceedings. However, these proceedings are currently conducted in English and Afrikaans as the languages of record; yet the majority of citizens who appear before these courts speak African languages. This scenario demonstrates that court interpreters are in demand and an important part of the justice system. Court interpreting in South Africa utilises the consecutive mode of interpreting. This occurs where the interpreter listens to the speaker's utterance, which may be a speech of about a minute or two, depending on the interpreters' comprehension, and then reproduces the message in another language (Gile 1995:179). The demand for court interpreters emanates from the constitutional stipulation that people appearing before courts are given the right to speak their own language as entrenched in section 35 (3) (k) of the Constitution of the Republic of South Africa, 1996.

This section states:

Every accused has the right to a fair trial, which includes the right to be tried in a language that he understands and that if that is not practicable, to have the proceedings interpreted to him.

This section of the Constitution legalises the services of court interpreters, in order to make courtroom communication possible. Since 11 languages were enacted by the Constitution in section 6 (1) as the official languages of South Africa, this means there is a need for court interpreters in all African languages and sign language. The promotion of functional multilingualism certainly has had an impact on interpreting in general, and in court interpreting specifically. This aspect will be dealt with fully in Chapter 2 of this study.

Even though the Constitution acknowledges the importance of court interpreters during the judicial process, it does not clearly stipulate their role, functions and duties. As such, South African court interpreters work without, among other factors, any distinct guidance from statutes as regards their actual role (Moeketsi 1999a; Lebesse 2011; 2013; 2014). Issues of norms and standards of practice are not addressed in any legislation or guidelines. Interpreting models, which inform the role of court interpreters, are not addressed either.

This situation is worsened by the fact that most interpreters are not trained at all or are inadequately trained by the Department of Justice and Constitutional Development (DoJCD) which offers training courses for court interpreters in its employ, although there are a few good ones who function on experience rather than on training. The above sentiment is shared by Moeketsi and Wallmach (2005:77) who state that the meagre six-weeks orientation provided by the DoJCD's Justice College has always been ridiculed by court interpreters as a 'spaza training', meaning that the training is insignificant and superficial.

In South Africa, some universities offer interpreting in undergraduate studies as a diploma or degree, whilst others, for example, the University of South Africa, offer interpreting at honours level as an option in the Honours in Translation Studies and in postgraduate studies. Although available, these offerings are rarely taken up by students despite the high demand for interpreters.

For example, at Honours level, no student has taken up interpreting as a major in the past 5 years. Generally, court interpreters do not invest in lengthy education courses because they are usually hired on their ability to speak two languages; then they are provided with six weeks of in-house training, whereafter they are considered ready to perform in court. This scenario is bound to create many problems in terms of the performance of duties and a general understanding of what interpreting entails. The lack of or inadequate training has a cyclical effect in that not much research has been carried out in the field of interpreting; thus, no models have ever been formulated to describe what exactly interpreters do in South Africa. In order for court interpreters to function properly and according to the expectations of those receiving their services, they have to be trained, and they should be guided by a model or models of interpreting in their work. More so, they should be directed by models that speak to the reality of this specific country; hence this study focuses on the formulation of an interpreting model that speaks to the South African context. Interpreting models help interpreters to gain a deeper understanding of what interpreting is, and assist interpreters in meeting the goals of communication and ultimately performing their task accordingly (Angelelli 2000:581). These aspects, as well as the history of interpreting, types and modes of interpreting, court interpreter training, the public perception of interpreting in relation to translation, etcetera, will be discussed extensively in Chapter 2 of this research. However, since this study focuses on interpreting models, it is presently important to define briefly what a model of interpreting is.

## **1.6 What are models of interpreting?**

Colonomos (1992) defines a model of interpreting as a representation and description of the process an interpreter should complete in order to successfully, accurately and efficiently interpret a message from a speaker in a source language (SL) to an audience in a linguistically-acceptable target language (TL). In other words, models are blueprints of the interpreting process and guide interpreters in their journey of interpreting in order to reach the desired goal. According to Lee (2009a:36), international models of interpreting were first formulated by judges and emanated from the definitions or descriptions of the role(s) of court interpreters which the judges provided, to serve as a guide for court interpreters in the performance of their duty.

In defining this role, judges described and explained what court interpreters are doing or are supposed to be doing when they interpret. However, these definitions and descriptions of the role of the court interpreter by the judges represented their own views and opinions of what interpreting entails. Their views did not, and continue not to, truly reflect what transpires during court interpreting. This may be because judges are not trained as interpreters, and thus have a limited understanding of what the process of interpreting entails. As a result of the limitations of these models, over time one model has been replaced by another, since the earlier models could not serve the purpose which interpreting was meant to fulfil (Lee 2009a:37).

Additionally, the court interpreters themselves criticised these models and argued that these were not a true reflection of what they are actually doing when embarking on their task of interpreting. Colonomos developed a model, which she called the Colonomos model. This model is a pedagogical model of the interpreting process, and uses descriptive methodology to describe a variety of processing considerations in interpreting, from the moment the source speaker's utterance is made until the production of the TL utterance by the interpreter. Lans and Van der Voordt (2002:53) observe that the descriptive research method describes how reality is. In describing the process of interpreting, Colonomos categorises her model into five aspects. Firstly, the model is linguistically-based as it addresses two languages. Secondly, it is a cognitive model in the sense that it describes the mental process the interpreter completes during an interpretation. Thirdly, it is cultural because the model goes beyond only the linguistic consideration of the two languages; it also addresses the cultural considerations of the two different languages. Fourthly, the model is psychological since it examines the interpreter as an individual with his or her own perceptions, feelings and knowledge base, as well as the impact an interpreter as a person may have on the communication process. Finally, the model is cyclical because the interpreter progresses through the process continually during interpretation (Colonomos 1992).

In this study, aspects raised by Colonomos above will be investigated with the aim of ascertaining whether court interpreters are mindful of these aspects, as they form the core understanding of what interpreting should conform to.

These aspects lead to a better understanding of the multifaceted and complex role interpreters play, and limit the distortion of the reality of the interpreter at work (Angelelli 2004:13). This model will also be critiqued in relation to the South African context, in order to provide a more country-specific model.

In this study, the following four traditional models of interpreting, namely the helper, conduit, communication facilitator and bilingual-bicultural models, will be discussed in Chapter 2. As previously observed, due to their limitation of not being a proper representation of the task of interpreting, these models saw one model being replaced by another (Lee 2009a:37). South African court interpreters depend on these models, since there are no models of interpreting that are South African based. The researcher argues that international models have the capacity to cause problems in the South African context due to linguistic and cultural differences between South Africa and the countries in which they were originally formulated. This study, therefore, points to the need to examine how these models function in the South African context; how interpreters perceive them; and to formulate a model that is based in South Africa to meet the needs of the local interpreters.

## **1.7 Research statement**

The interpreting discipline and profession in South Africa is replete with many problems, one of them being the fact that although most universities offer interpreting as a diploma or degree, most practising court interpreters do not register for these qualifications. In consequence, most interpreters are inadequately trained and depend mostly on their ability to speak two or more languages, which is problematic. Notwithstanding this situation, court interpreting being a constitutional right in a country with eleven official languages is more in demand than ever. Therefore, there is a need to provide professional services to these language users. This situation likewise points to a need for research into the field of interpreting in order to identify solutions to these problems.

Additionally, as noted, South Africa currently depends on foreign models with foreign metaphors, representations and descriptions of what transpires during the process of interpreting.



Moeketsi (1999a) and Lebesse (2011, 2013) explain that in South Africa no models of court interpreting which clearly define the phenomenon of interpreting have been formulated for court interpreters, to serve as a guide for court interpreters while performing their task. There is also no clear definition of their role. For example, it may be difficult for a South African court interpreter to act as a 'conduit' and be expected to interpret 'word-for-word' because in most cases African languages and speakers use idiomatic expressions which need to be explained for a clear understanding thereof. If interpreted literally, the utterance may lead to misunderstandings or may produce a very different meaning from that intended by the speaker. This scenario points to a need to develop a home-grown model that represents what transpires during court interpreting in South Africa. The importance of interpreting in the court system cannot be overemphasised. Interpreting could influence the outcome of a case due to misrepresentation of information; hence, the need to professionalise this industry.

Taking into cognisance the background given above and the problem at hand, this study seeks to answer these research questions:

- (1) What transpires during the process of interpreting between English and African languages?
- (2) How do international models of court interpreting function in the South African context, and to what extent are they a true representation of the phenomenon of interpreting in South Africa?
- (3) Which features/variables are central to interpreting in the courts of South Africa?

The researcher deems that it is important to identify the main features in the interpreting process, as these features will inform the model that will be developed in this study.

## **1.8 Aims of the study**

This study aims to:

- investigate how international models were formulated, by whom and why;
- investigate how South African court interpreters perceive the phenomenon of interpreting and the challenges they encounter in the field;

- examine how international models function in the South African context and their impact in the courts of law; and
- formulate an interpreting model that is informed by South African languages, cultures and court experiences.

The first aim seeks to investigate how international models were formulated so as to understand the metaphors and representations contained therein. This will be carried out in the form of a literature review, reported in Chapter 2. Understanding how models are formulated will help the researcher develop a functional model for the South African environment. The second aim seeks to explore how court interpreters understand the phenomenon of interpreting, with special reference to court interpreting. Examining the views of interpreters will help to highlight important features in interpreting processes.

The third aim seeks to understand how international models function in the South African courts and how court interpreters apply these models. This will be done to investigate whether the international models have the same meaning in the South African languages. This approach will also help to reveal the interpreting processes, including possible weaknesses of the foreign models in the South African court system. The last aim seeks to identify the main features that characterise the said system. These features will be used as a foundation to formulate an interpreting model based on South African linguistic, cultural and court experiences. This study will hopefully contribute to the knowledge on court interpreting in South Africa, as well as to the theory of interpreting, by formulating a model that is home-grown. The study will also create insight into what transpires during the process of interpreting.

## **1.9 Theoretical framework**

Two theoretical frameworks will guide this study: Descriptive Translation Studies (DTS) and the cultural approach. Information on DTS follows.

### **1.9.1 Descriptive Translation Studies (DTS)**

Generally, interpreting is regarded as a sub-section of translation; as such, interpreting research is guided by the principles of translation studies. That being the case, this study will be guided by DTS and the cultural approach.

DTS was introduced into translation studies as a means to move away from the prescriptive framework of translation, which denied people the knowledge of understanding how translation manifests itself. Toury (1980:80) states that the aim of DTS is to describe and explain a phenomenon. That is, DTS aims to describe and explain what transpires during translation and/or interpreting in a particular case, as it takes place within a specific environment. DTS also takes into account the culture of the target environment, which is important in this study where culture is part and parcel of the clients who are represented by the interpreters.

DTS is applicable in this study because it will help to reveal how South African court interpreters perceive the phenomenon of interpreting, thereafter, through definitions, descriptions, and explanations, a model of interpreting will be formulated. Interpreters were also observed in action in the courts of law, in order to acquire a broader perspective on the interpreting process in South Africa. The approach in this study follows that of Lotriet (1997b:66) who mentions that there is a great need in South Africa for descriptive studies to analyse interpreting within the South African context; and that such studies could be of great assistance in the training of interpreting. DTS is further relevant in this study since it focuses on describing, explaining, and validating findings of the phenomenon of interpreting under investigation (Knupfer & McLellan 1996:1197). A detailed description of the DTS framework is provided in Chapter 2. DTS will be complemented by cultural studies, which will be explained in the following sections. The next section discusses the cultural approach to translation itself.

### **1.9.2 Cultural approach**

Bassnett and Lefevere (1990:123) brought about the cultural approach in translation studies in the 1990s. They argued that the study of the practice of translation had moved away from its formalist phase, where the old evaluative method was one of putting one translation alongside another and examining both in a formalistic vacuum. They mentioned that the questions of evaluating a translation had changed, which led to the redefinition of the object of study. As a result, what is studied is the text embedded in its network of both source and target cultural signs. The above approach led to translation scholars beginning to consider broader issues of context, history and convention, rather than only the linguistic aspect of translation.

Hale (2014:321) mentions that community interpreting, which involves legal/court interpreting, has been labelled cultural interpreting by scholars such as Roberts (1997:8). This is based on the notion that legal/court interpreting is a type of interpreting undertaken to assist immigrants who are not native speakers of the language to gain full and equal access to statutory services. Dimitriu (2006:13) concurs and states that contextualising translation within culture is a must, and the paradigm can be used to analyse transfers between cultures. Hale (2014:322) agrees with this view, and adds that language and culture are intertwined; accurate interpreting cannot be achieved at the basic word level because in communication, the meaning of words must be taken according to the context, situation, participants, and culture. Since interpreting is regarded as a sub-set of translation, the latter applies to it as well. Hale (2014:323) goes on to state that the more an interpreter knows about the experiences, beliefs, political situation, context and general background of the speakers, the better equipped that interpreter will be to understand the speakers' utterances and to interpret them pragmatically and accurately.

Cronin (2002:46) holds a similar view to those above by arguing for the development of the cultural turn in interpreting studies, maintaining that it would contribute by altering the approach in historical work in interpreting from descriptive to analytical terms. In a courtroom situation, speakers come from diverse communities, and have different ways of communication, including the use of cultural aspects. It is, therefore, important for the court interpreters to possess background knowledge of the culture of the people for whom they interpret. This is because within court interpreting (as in other fields of interpreting), cross-cultural linguistic differences could cause chaos and misunderstandings when interpreted incorrectly. These differences may vary from 'pragmalinguistic differences at the discourse level of speech to socio-pragmatic differences, which go beyond the utterances' (Hale 2014:321). In many instances, court interpreters are at a loss when confronted with such cross-cultural differences. No guidance or clear procedures exist for them to follow in such instances. Many will interpret the cultural adage literally, some will attempt to explain the cultural saying in their own words, while still others may alert the judicial officer about potential cross-cultural misunderstandings.

What is first and foremost necessary, however, is that when interpreting for participants from disparate cultural backgrounds, a court interpreter be fully knowledgeable of participants' cultures as expressed linguistically. The role of such an interpreter must include cultural brokerage, which constitutes the main reason why the cultural approach will be utilised in this study. In a nutshell, Pöchhacker (2010:2) maintains that the most fundamental use or purpose of research in interpreter education would be a more profound, inter-subjective understanding of the phenomenon in this case of interpreting as a practice. Pöchhacker (2010:2) further states that this kind of research is a reliable way of broadening one's knowledge of interpreting beyond the professional expertise that the individual interpreting instructor is expected to bring to this task. This understanding of the phenomenon, as Pöchhacker states, serves as a basis of a theoretical knowledge of the phenomenon of interpreting. According to Baker (2011:1), the theoretical knowledge is in itself of no value, unless it is firmly grounded in practical experience. Hence, in this study; the researcher opted to gather the views of practising court interpreters regarding the phenomenon of interpreting rather than consulting academic opinion.

The next section discusses the research methodology followed in this study and the instruments that were used to collect and analyse the data.

### **1.10 Research methodology**

This study adopted the qualitative research method in collecting and analysing the data. Denzin and Lincoln (1994:2) define qualitative research as an in-depth investigation of phenomena which takes many variables into consideration, whilst employing a naturalistic approach to people's lives, experience, emotions, behaviour, as well as cultural phenomena. Berg (1998:61) supports this view by stating that qualitative research seeks answers to questions by examining various settings and the individuals who inhabit these settings.

In the light of the above definitions, a qualitative method was relevant to the current study because this study sought answers from practising court interpreters by examining their perspectives regarding the interpreting phenomenon and issues pertaining to interpreting.

These perspectives were uncovered when the court interpreters were asked to define and describe the interpreting phenomenon.

This approach follows the view of Fossey *et al.* (2002:723) who state that qualitative research should be concerned with the interpretation of subjective meaning and the description of social context.

In this study, interpreting is regarded as a social phenomenon since it takes place between individuals who cannot speak each other's language. The relevance of the qualitative research method to this study will be discussed in detail in Chapter 3. The next sub-sections examine the method of data collected and tools used in the analysis of the data.

### **1.10.1 Data collection tools and methods**

Data was collected using four methods: focus groups, questionnaires, courtroom observations and interviews. Various methods were used to gather data so that a balanced and integrated view of interpreting could be sought for purposes of developing a representative model. The various data collection methods are further discussed in the following paragraphs.

#### **(i) Focus groups**

The first method utilised to collect data comprised focus groups. Such a group consists of a group of people specifically selected to informally discuss a subject or topic that is within their field of knowledge. More information about focus groups is provided in Chapter 3. The participants for this study were court interpreters themselves. A total of three focus groups were held, with each group consisting of between 8 and 14 participants. In total, the study used 36 participants.

Since this type of data collection involves human participation, ethical principles were observed during the collection of this data. The ethical clearance issues are discussed in detail in the next section. The aim of using focus groups was to determine interpreters' perceptions of what they do during interpreting (the process itself). This was done by asking them to define, describe, and explain the phenomenon of interpreting in terms of their various South African languages.

This approach follows the view of Myers (1998:106-107) who mentions two crucial aspects about the aim of focus groups, namely that they:

- are used as a way of finding opinions and underlying attitudes, and that they reflect critically on what opinions are, and what people do with them, and
- produce an interaction in which participants respond collectively and collaboratively, being aware of a common purpose, and reflexively act in terms of that purpose.

The recorded focus groups proceedings were transcribed to enable analysis. Data from focus group discussions was analysed using content analysis.

## **(ii) Questionnaires**

The second method that was used to collect data was semi-structured questionnaires. A questionnaire of this type consists of predetermined questions on a particular subject. The questionnaire method of data collection is crucial for acquiring information on public knowledge and perception (Bird 2009:1307). The purpose of the questionnaire was to gather the court interpreters' individual perceptions regarding the phenomenon of interpreting. In this study, 50 questionnaires were sent out to the participants in the Gauteng Province, specifically in Pretoria. Of these, 32 were completed and returned to the researcher. The challenge of this method of data collection was that although people agreed to participate, some did not complete the questionnaire, stating a lack of time to do so. The views of those who did reply were analysed to ascertain how they perceive this phenomenon; these perceptions were used as a foundation in the creation of a model of interpreting that is appropriate for the South African context. Gauteng Province was selected because it is a melting pot of all South African languages and cultures. In simpler words, interpreters of all South African languages were found in this province.

## **(iii) Observations and interviews**

Courtroom observations and interviews were conducted with the aim of observing how the phenomenon of interpreting unfolds practically. One of the aims of courtroom observations was to determine whether what the court interpreters view as interpreting, is exactly what they do in practice.

Further aspects of interpreting which emerged during the courtroom observations were clarified with the court interpreters during the interviews. In other words, the courtroom observations were used in conjunction with the interviews. The types of interviews that were used in this study were semi-structured.

Their relevance in this study was that they helped to obtain limited responses relating to the subject under research (Fontana & Frey 1994:363). Additionally, interviews are one of the most common and most powerful ways used to try to understand human beings (Fontana & Frey 1994:361). Interviews were important in gathering interpreters' views on the phenomenon of interpreting and issues pertaining to interpreting. The next discussion relates to how the data collected was analysed.

### **1.11 Method of analysis**

Since the data collected was in verbal and written form, it was transcribed and presented in themes, in line with the aims of the study. The views of different court interpreters were compared to see how different interpreters perceive their roles and duties. This study used content analysis to analyse this data. According to Downe-Wamboldt (1992:314) content analysis is a research method that provides a systematic and objective means to make valid inferences from verbal, visual, or written data in order to describe and quantify specific phenomena; it is concerned, among other features, with meanings and context. In this study, content analysis was employed to analyse transcripts containing the responses of court interpreters with regards to the phenomenon of interpreting, as collected during the focus groups, questionnaires, observations, and interviews.

The above approach is in line with Hsieh and Shannon's view (2005:1278) who say that the content analysis research method is used to analyse text data, which might be in verbal, print, or electronic form and might have been obtained from narrative responses, open-ended survey questions, interviews, focus groups, and observations. The content analysis approach is not unique to this study, as it was followed in earlier interpreting studies where metaphors and metaphorical language descriptions used by interpreting practitioners were analysed (Roy in Pöchhacker & Shlesinger 2002:347).



In this study, content analysis aims, among other aspects, to understand and interpret the meaning from the content of text data regarding the views and descriptions of the concept of interpreting, as provided by practising court interpreters. Furthermore, content analysis gave the researcher room to compare data from different languages. The application of content analysis in this study was threefold: conventional, directed, and summative. Conventional content analysis in a qualitative research inquiry takes place when coding categories are derived directly from text data, where a code refers to a word or short phrase that symbolically assigns a summative, salient, essence-capturing, or even evocative attribute to a portion of language-based or visual data (Hsieh & Shannon 2005:1277). Coding refers to categorising definitions of the concept of interpreting by court interpreters into themes. In other words, the definitions and descriptions of the concept of interpreting provided by different individual court interpreters were compared to establish how many similar definitions have been provided and thereafter, to interpret such definitions.

According to Humble (2009:37), directed content analysis is appropriate to use when research deals with a phenomenon that would benefit from further description with the goal of validating or conceptually extending a theoretical framework or theory. Hsieh and Shannon (2005:1277) again define summative content analysis as involving the counting and comparisons of keywords or content, that will be followed by interpretation of such texts. Summative content analysis was applied in this study in that definitions and descriptions of the concept of interpreting as well as the process thereof, provided by different individual court interpreters, were compared to discover how many similar definitions were provided and thereafter, to interpret such definitions. The next section discusses the ethical issues considered during the collection of data for this study.

### **1.12 Ethical considerations**

As indicated above, data was collected from practising court interpreters by means of interviews, questionnaires, focus groups and observations of the interpreting process during court sessions. Because this study involved human participation, principles of ethics were observed.

In compliance with the requirements of the ethics code of the University of South Africa, the researcher applied for two research ethics clearance certificates. One was for permission to hold the workshops as part of the research study, while the other was for permission to collect the data through focus group discussions. Both certificates for ethical clearance were granted on 8 September 2015 and 25 November 2015 respectively. The said certificates are attached as Appendix A and Appendix B.

During data collection, the focus group discussion participants were requested to sign a form consenting to their participation. The consent form provides information about the reason, aims and purpose of the study as well as issues pertaining to anonymity and confidentiality. Anonymity refers to not disclosing the identity of the participant whereas confidentiality means not disclosing the information obtained from the participant without their consent. In this study, anonymity was observed by not stating the participants' names in the transcripts of the focus groups' discussions. In respect of confidentiality, the information shared by participants during these discussions was not divulged to anyone by the researcher.

Participants were informed that they were not obliged to participate in the study. That is, participation was voluntary and they had the right to withdraw without negative consequences at any stage of the research. All participants signed consent forms; a sample copy is attached as Appendix E. Furthermore, they were informed that no personal harm would be involved during their participation, and that the data collected would be used for academic purposes only and would be stored in a safe, password coded computer. In the write-up the name of participants were not used or revealed; instead, codes were used in place of names to protect the names of the participants.

### **1.13 Definition of terms**

In the following sub-section, the terms used in this study will be briefly defined in line with the manner in which they will be used. More extensive definitions will be provided in Chapter 2 of the study.

### **1.13.1 Interpreter**

This term refers to an individual who performs the duty of facilitating communication between two or more people who speak different languages, in any given setting, with sign language interpreting included.

### **1.13.2 Interpreting**

Interpreting means a communicative interaction between members of different language communities, mediated by interpreters, and constitutes a form of cross-linguistic and cross-cultural communication (Kohn & Kalina 1996:118).

### **1.13.3..Court interpreter**

This term is used to refer specifically to an individual employed in the DoJCD and who performs the task of interpreting in a courtroom, and generally to refer to an individual who performs the task of interpreting in legal settings.

### **1.13.4 Court interpreting**

Court interpreting is used in this study to refer to inter-lingual, inter-cultural oral or signed mediation, enabling communication between individuals or groups of people who do not share, or choose not to use, the same language (Pöchhacker & Shlesinger 2002:3).

### **1.13.5 Model of interpreting**

This refers to a representation and description of the process of the interpreting phenomenon, which is able to define what interpreting is.

### **1.13.6 Source language (SL)**

SL refers to the language of the speaker in a communication, and from which an interpreter interprets. It is also referred to as the first language.

### **1.13.7 Target language (TL)**

TL refers to the language of the listener in a communication, and into which the interpreter interprets. It is also referred to as the second language.

### 1.14 Outline of the study

The structure of the thesis will be in the following format:

**Chapter.1** provides the background to the study, a statement of the research problem, aims, the method of collecting and analysing data used in this study, as well as the definitions of terms and phrases employed in the research.

**Chapter 2** discusses the fundamentals of court interpreting. The chapter begins with an introduction on the legal background to and dynamics of court interpreting, discussing the similarities and differences between the phenomenon of interpreting and that of translation. It continues by examining interpreting in general, the types and modes of interpreting, and ways in which institutions where interpreting is performed influence the interpreting process and the role of interpreters. The chapter further relates different models of interpreting to the South African context and indicates whether they are applicable or not.

**Chapter.3** deals with the research methodology and research framework used to address the research problem under study. The chapter focuses on data collection, the tools used to obtain the data, and the method of analysis followed in analysing the data.

**Chapter.4** analyses the collected data using the comparative and contrastive methods and content analysis.

**Chapter 5** presents the findings of the study data and the formulated model.

**Chapter.6** finally furnishes an overview of the study, conclusions and recommendations for the study and possible future research on the subject. A statement on how the current study contributes to the field of court interpreting is provided.

The next chapter discusses reviewed literature that is relevant to this study.

## **CHAPTER 2**

### **DYNAMICS OF COURT INTERPRETING: A LITERATURE REVIEW**

#### **2.1 Introduction**

The previous chapter introduced the problem statement, research questions as well as the aims of the study. To reiterate: this study aims to explore how international models were formulated, how they function in the South African legal system, and the extent to which these models are understood by South African court interpreters. The answers to these questions serve as a basis for developing a home-grown model that is based on the reality of the South African court system. This chapter will provide a review of relevant literature: it covers, amongst other areas, the definitions of interpreting, different modes of interpreting, interpreting models, general interpreting in South Africa, as well as court interpreting in South Africa. The chapter starts by providing a background to, and considering the dynamics of, court interpreting, and then discusses the differences and similarities between the phenomenon of interpreting and that of translation, as these two terms are usually used interchangeably. The chapter concludes with models and modes of interpreting.

#### **2.2 Interpreting versus translation**

In addressing aspects of interpreting Roy (1993:128) mentions that interpreting has traditionally been subsumed under translation, which led to a situation where interpreting relies on the theoretical frameworks supplied by the domain of translation. This implies that these two phenomena, namely 'interpreting' and 'translation', are often used interchangeably both locally and internationally. This happens in spite of the fact that the dynamics involved are very different. Consequently, an understanding of both translation and interpreting is necessary in this present study. The following paragraphs discuss how these two phenomena are defined, as well as the similarities and differences between the two concepts.

Scholars such as Munday, for example, use the term 'translation' when referring to both the interpreting and translation phenomena. However, Munday (2008:5) differentiates the two by referring to the one as written translation (translation), and the other as oral translation (interpreting).

Such instances as the above also present themselves in the South African legislation. Section 6(2) of the Magistrates' Court Act 32 of 1944 (as amended), which deals with interpreting, makes use of the term 'translate' instead of 'interpret':

If in a criminal case, evidence is given in a language with which the accused is not in the opinion of the court sufficiently conversant, a competent interpreter shall be called by the court in order to **translate** such evidence. (The researcher's emphasis.)

The use of the term 'translate' instead of 'interpret' by the legislature may be misleading to an interpreter who has not received any proper training on interpreting, as this leads to the assumption that translation and interpreting are one and the same. Such an interpreter may see his or her role as that of a conduit and may sometimes be tempted to interpret word-for-word, which will distort the meaning of the utterance of the speaker. Such an anomaly is likely to happen in South Africa where many court interpreters are not properly trained; a point echoed by scholars such as Steytler (1993:221), Du Plessis (1997:8), and Moeketsi (1999b:135-136). This situation points to a need for the Constitution, scholars, language practitioners and training institutes to distinguish clearly between the two practices, because translation and interpreting are not the same.

In the definitions that emerged in the 70s, Brislin (1976:1) interestingly defines translation as:

the general term referring to the transfer of thoughts and ideas from one language (source) to another (target), whether the languages are in written or oral form; whether the languages have established orthographies or do not have such standardisation or whether one or both languages are based on signs, as with sign languages of the deaf.

This definition contains certain aspects that need further clarification. Firstly, his definition confirms the notion that translation and interpreting are used interchangeably, as though they refer to the same phenomenon. He defines translation in general terms to include interpreting as well, which is evident in his use of the phrase 'or oral form'. Secondly, his focus moves away from texts to thoughts and ideas, which suggests that translation is communication.

Lastly, the definition considers the aspect of sign language, which was never mentioned by previous scholars in their definitions. This approach indicates that the definitions of translation and interpreting must not only be looked at as referring to written or oral language but should also include sign language. Additionally, the definitions must take into account what transpires during the process of interpreting or translation so that they represent the reality on the ground.

Following the same approach as that of Reiss (1971) and Levý (1967) which regard translation as a 'process', Pinchuck confirms translation as being a 'process' and product of DTS, and not just a replacement of one text by the other. He defines translation as 'a process of finding a TL equivalent for a SL utterance' (1977:38). Similarly, Wills (1982:3) also defines translation as a process and states that:

translation is a process, which aims at the transformation of a written SL text into an optimally equivalent TL text, and which requires the syntactic, the semantic and the pragmatic understanding and analytical processing of the SL.

The definition provided by Wilss goes further than just considering translation as a 'process', but draws on aspects of 'understanding' as well as 'analytical skills, for purposes of transforming the SL into the TL, which is what translation must aim at. It is the researcher's view that in order to achieve this, the translator or interpreter must have gone through specific training, as analytical skills can be achieved through training and practice (Minnesota Registry of Interpreters for the Deaf 2012:10). As such, the same approach should be followed in interpreting, because in interpreting, court interpreters especially deal with important information that could determine the freedom or jailing of a person; they need to possess analytical skills so that justice may be served. In the following section, the differences in the processes of translation and interpreting will become clearer as the different theories of translation are discussed.

### **2.3 An overview of theories of translation**

As interpreting generally falls within translation studies, it relies mostly on the theories of translation.

This subsection provides an overview of the development of translation theories, from equivalence to target-oriented approaches such as functionalism, DTS and cultural studies. In the process of discussing theories, the definitions of the translation phenomenon will be provided.

### **2.3.1 Equivalence-based theories**

Dukāte (2009:16-19) views the phenomenon of translation as being a very broad notion that can be approached from a multitude of angles, and notes that it is understood and described differently by various scholars. One of the early scholars of translation, Catford (1965:20), defines translation as ‘the replacement of textual material in one language, namely the SL by an equivalent textual material in another language, namely target language TL’. In defining translation in this way, Catford argues that under normal conditions it is not the entire SL text which is translated. He bases his argument on the fact that at one or more levels of language, there may be simple replacement by non-equivalent TL material, whilst at other levels, there may be no replacement at all, but simply transference of SL material into the TL text (1965:20). Examined closely, Catford’s explanation of what happens during translation suggests that translation is a process. This is in line with the view of Levý (1967:148) as already mentioned, that translation is ‘a process of communication whose objective is to impart the knowledge of the original to the foreign reader’. The difference between his definition and that of Catford is that Catford’s definition does not mention the aspect of communication. In the field of translation, linguistics equivalence has been rejected by many scholars as it seeks a word-for-word translation. This can be linked to the conduit model in interpreting that regards an interpreter as a vessel which passes on the message word-for-word between speakers of different languages. Just like linguistic equivalence, the conduit model - which will be explained in detail later in the chapter - has faced much criticism, though it is still used by some interpreters.

After Catford, Nida, who viewed translation from a ‘sociolinguistics’ context, appeared on the translation scene, and introduced a principle called ‘dynamic equivalence’. According to this principle, “the relationship between receptor and message should be substantially the same as that which existed between the original receptors and the message” (Nida 1969:12).



In line with this principle, Nida (1969:12) defines translation as “the reproduction in the receptor language of the closest natural equivalent of the source language message, first in terms of meaning and secondly in terms of style”. For Nida, the meaning is at the forefront of translation, which informs one that translation is about meaning, not words. Although Nida’s theory, which was popular in bible translations, was a major shift from word-for-word translation by focusing on meaning and effect, it also had limitations in that the target translation was modelled on the ST and equivalence was sought between the source and the target languages. Additionally, the culture of the TL was not emphasised and the message may have been distorted in search of an equivalent effect.

After Nida and Catford, many other scholars introduced other forms of equivalence: for example, House (1981) introduced *functional equivalence* which places emphasis on the functions of language; that is, a translation must function as an equivalent of its source text in a different culture or situation, and this can be achieved through pragmatic means. Newmark (1981) proposed the concepts of communicative and semantic translation, with the former focusing on producing the same effect on the TL readers as was produced by the original on the SL readers, and the latter aiming to reproduce the precise contextual meaning of the author. Unfortunately, Newmark’s theories are not much different from Nida’s theories of semantic equivalence, although they are an improved version of the formal equivalence advocated by Nida. Although Newmark insists that the communicative and semantic forms of equivalence are applicable to all types of texts, unfortunately their applicability depends on the search for equivalence in one form or another, which is limiting (Ndhlovu 2012: 56).

In translation and interpreting, equivalence is not always possible because of factors such as differences in languages and culture as well as of delayed technological advancements, among others. A search for equivalence generally leads to the distortion of the message: for these reasons and others, equivalence theories were criticised by many. Lefevere (in Kruger 2000:31) explains that the problem with equivalence ‘seems to be that translators and translation scholars cannot agree on either the kind or the degree of equivalence needed to constitute real equivalence’.

Additionally, most equivalence theories have little regard for culture and other prevailing conditions; hence, Kruger and Wallmach (1997: 121) say, one of the main shortcomings of prescriptive theories is the fact that they ignore the socio-cultural conditions under which translations are produced in order to function in the receiving culture as acts of communication. For these reasons, equivalence theories gave way to target-oriented theories.

### **2.3.2 Target-oriented theories**

As a reaction to equivalence-based theories, the 70s saw the emergence of target-oriented theories that upheld the target text (TT) as important in the translation process. These theories consist mainly of functionalism, DTS and cultural studies, among others, and are discussed in the following sections.

### **2.3.3 The functional theory**

Functionalism, also known as 'skopos' theory, emerged due to the translation scholars' dissatisfaction with the equivalence theory, which focused on the relationship between theory and practice in translation (Nord 1991:8). These scholars argued that equivalence should not be used as a yardstick to measure the accuracy of a translation, but that a translation should be measured in terms of how it functions in the TL. In other words, translators should consider the purpose for which the translation is intended and judge it accordingly. This is evidenced by the use of the term 'skopos', which means 'the purpose'. The Greek word *skopos* denotes 'the purpose of the translation which is basically decided on by the translator' (Honig 1997:9).

Vermeer (1996) developed the functionalist approach to translation; his emphasis was on purpose as a guiding factor in translation. This theory was further developed by many other scholars but prominent is the version by Nord. In relation to functionalism, Nord (1991:73) states that the translator must analyse the ST's function and decide which TT's functions are compatible with the text, in order to ensure that the ST is correctly understood and translated according to the function for which it is intended (Nord 1991:73). In the functional theory, the target language needs are important and the driving force behind a translation.

Translation is viewed as an act of communication; as such, the translator needs more than knowledge of culture and language, but also the ability to analyse and understand the source text and, in addition, to model the target text on the brief which outlines the needs of the target audience. It is only by analysing the ST function that the translator can decide which TT functions will be compatible with a given text; see Nord (1991:73).

Nord took the functionalist approach further and introduced 'loyalty'. Loyalty was first introduced into the *skopostheorie* or functionalism as an ethical concept governing the translator's responsibility to their partners in the cooperative activity of translation, which meant that the translator has to move away from the concept of faithfulness or fidelity and produce a translation that is acceptable to the target readers (Nord 2001:185). Nord (1991:125) mentions that the translator's loyalty plays an important role in translation because the translator must ensure that the translation of the ST achieves the goal for which it was intended: in other words, that the translation functions in the TT as intended. To achieve the projected goal, the translator is obliged to take into account the difference between the culture-specific concepts of translation prevailing in the two cultures involved in the translation process (Nord 1991:126).

Reiss (1971:161), a major proponent of functionalism who worked hand in hand with Vermeer in the development of this theory, in defining translation lists three aspects, namely bilingualism, mediation and communication, and defines translation as "a bilingual mediated process which ordinarily aims at the production of TL text that is functionally equivalent to SL text". According to this definition, translation consists of the ability to possess knowledge of two languages, that is the SL and the TL, and is a mediation process that aims at enabling communication between the speakers of the SL and those of the TL. Unlike Catford who perceives translation as merely a replacement of SL material with that of TL, Reiss considers the production of the TL text to be functionally equivalent to SL text. Reiss later developed a model of translation criticism based on the functional relationship between ST and TT, which she called the 'functional approach' to translation (Nord 1991:9). In this model, she states that translation must function for the target readers. In other words, the translation must read like an original on its own and must not sound like a translation.

Since interpreting, similarly to translation, deals with the transference of messages between SL and TL speakers, functionalism also applies in interpreting. The aim of court interpreting is to get the SL speaker's message across to the TL speaker, which must be done with a high degree of accuracy (De Jongh 1992:38). To abide by the theory of functionalism, the court interpreter has to interpret the messages in a way that fulfils the needs of the target receiver. The interpreter must do so by adhering to the principle of accuracy and interpret the message accurately for the benefit of the listener (Choolun 2009:25). Accuracy means, among other things, that the court interpreter must take into account the cultural aspects of both the SL and TL, and is different from equivalence in that it does not force the source language conventions onto the target receiver.

In the functional theory, culture is regarded as important. Katan (2004:16) confirms that an interpreter is a cultural mediator because he or she has to interpret the expressions, intentions, perceptions, and expectations of each cultural group to the other. Taft (1981:53) agrees that in interpreting culture, the focus is on effective communication. As mentioned earlier, culture influences language; hence the court interpreters cannot interpret accurately unless they understand the culture of the languages from and into which they interpret. Taft (1981:58) emphasises this aspect by stating that the first move towards the more extreme communicative role of an interpreter who is a cultural mediator, is to communicate the ideas in such terms that they are meaningful to the members of the target audience. From the latter it becomes clear that the aim of the interpreter should be that of transferring the ideas of the speaker to the listener in an understandable manner. In other words, for interpretation to succeed, the interpreter must avoid distortions. This, consequently, calls for fluency in cross-cultural communication on the part of the interpreter.

To end this section, it is important to state that the theory of functionalism has not been without criticism. High on the list is the criticism that functionalism is prescriptive in approach as it sets guidelines on how translations should be done. Hermans (1999:37) explains that '*skopos*' theory takes as its ultimate goal the provision of adequate guidelines for translating and sees itself as a form of applied translation studies.

This criticism is prompted by the fact that functionalism focuses on professional translating/interpreting and the training of professional translators/interpreters at universities, as such guidelines are developed to improve the practice of translation. In a country like South Africa where many interpreters are not trained, this study supports the training of translators and interpreters because it argues that professionalism follows upon training. The prescriptive nature of functionalism is contradictory to DTS which is the theory that will guide the current study and is explained in the following section.

## **2.4 Descriptive translation studies (DTS)**

DTS as a theoretical framework was introduced by Holmes in 1972 and was advocated because Holmes rejected the notion of equivalence in translation. According to Hermans (1991:30), Holmes is of the view that translation studies consist of two branches. The first is DTS which is concerned with describing translations, while the second is called translation theory, which deals with explanation and prediction. The descriptive branch investigates existing translations, which means that it is product-oriented and also investigates how translation develops in the socio-cultural context. In other words, the translation is function-oriented. By taking into account the socio-cultural conditions, Holmes brought a much-needed new insight into the field of translation (Ndhlovu 2012: 69).

In terms of the DTS, Holmes starts by analysing the target text to see how this text was translated and uses the descriptive method to account for the translation, and the theory to explain how the translation was done. Toury (1980:80) concurs that DTS is always goal-oriented, devised to answer certain questions within a specific theoretical framework, and that its aims are threefold, namely:

- to describe and explain empirical phenomena, and as a result lead to the accumulation of knowledge;
- to put to the test models supplied by the theory, in whose framework the studies are conducted;
- to involve the selection of facts to be described and explained, as well as their organisation for descriptive and explanatory purposes.

DTS generally is about describing how translations take place and their role in the target environment, which makes the approach target oriented. Ndhlovu (2012:69) states that whilst Holmes is applauded for his ground-breaking work in shifting translation studies from source-orientedness, to target-orientedness which had become the trademark of DTS, Hermans (1999:31) criticises him for foregrounding 'pure research' at the expense of the 'applied' branch. Hermans sees this as a deliberate attempt by Holmes to promote the empirical study of translation itself.

Toury (1980, 1995) went on to reshape DTS to what it is now through his contributions. This is not to say that he alone advanced the theory, but that his views made a definite mark on DTS. Toury, like all target-oriented theorists, criticised equivalence theory for attempting to force-feed the target audience with the source language culture and conventions; however, he warns against the search for non-equivalence. According to Toury (1995:7-8),

It would be a flat contradiction to claim a certain text is a translation, and at the same time also non-equivalent to its source. Only *parts* of TT (certain linguistic-textual; units or the like) can be said to be non-equivalent to their counterparts in ST and that on the assumption that the entire TT by its very definition as a translation, is equivalent to its source and on the basis of an inherently established concept of equivalence.

Although unpopular, Toury is correct in saying that there is a level of similarity between the ST and TT and that the aim should not be to search for non-equivalence but to determine the norms and constraints that shape the translation. Among his many accomplishments, Toury introduced the norm system in translation studies. Norms are regarded as general values or ideas shared by a community, defining what is right or wrong at a particular circumstance or event. That is, norms determine what people can or cannot do in particular situations, thereby sanctioning the behaviour of people in a community or a particular culture. In such a manner, norms act as constraints (Ndhlovu 2012: 64). The norm system involves a way of looking at translation as a social activity, and this has its origin in empirical studies, perhaps even the behaviourist thrust of descriptive work (Hermans 1999:72). Norms are important in translation and interpreting because they determine what translators and interpreters can do in particular circumstances.

The DTS theory is relevant to court interpreting research in that it gives room to interpreting scholars to account for what exactly court interpreters are doing when interpreting, by describing the process that court interpreters are involved in during this activity. This view is in line with that of Hale (2007:206):

court interpreting research revolves around the collection of authentic interpreting data or of the opinions of the participants involved in interpreted interactions by way of interviews, focus groups or questionnaires; and that as a result, descriptive research is crucial in obtaining an understanding of the practice and in building a body of empirical evidence to complement existing anecdotal evidence.

As explained earlier, interpreting is a process that is understood when it is defined, described and explained by those involved and who practise it. These definitions, descriptions and explanations that are provided serve as the theory upon which interpreting is based. In other words, they are able to answer the question: 'What is interpreting?' This is in agreement with the observation by Toury (1995:1) who states that no empirical science, including 'linguistics', can make a claim for completeness and autonomy unless it has a proper descriptive branch, and that describing and explaining is the goal of such a discipline. The DTS therefore becomes relevant to the present study since the aim of the study is to formulate a model of interpreting for court interpreters by asking them to define, describe and even explain the phenomenon of interpreting. This is done so that the phenomenon of interpreting can be understood; which the DTS is capable of achieving. The researcher's approach follows those of Chesterman and Wagner (2002:2) who state that theorists should seek to be descriptive, to describe, explain and understand what translators (as well as interpreters) actually do, and not to stipulate what they ought to be doing. The research will therefore explore these definitions, descriptions, and explanations provided by court interpreters in response to the query as to what interpreting is. These results will subsequently be analysed with the aim of formulating a model of interpreting.

The approach by Chesterman and Wagner (2002:2) is also followed in this study because the researcher believes that it is the practitioner who provides the most insightful research questions and answers, and as a result inspires the painstaking process of exploration.

In this research study, the researcher does not prescribe to court interpreters what the models of interpreting ought to be, but instead, allows such interpreters themselves to contribute to the formulation of the current model by defining, describing, and explaining the phenomenon of interpreting. Hansen (2008:2) supports the views expressed by Chesterman and Wagner above, and declares that the person who experiences or perceives a phenomenon can also give the most precise description of it. In response to the views of Chesterman and Wagner, Shlesinger (2009:2) states that their approach allows for theorists to see themselves as studying the practitioners, rather than instructing them.

In a nutshell, DTS aims at describing and explaining how interpreting is done, to better understand the phenomenon. These descriptions and explanations of the phenomenon will be of use in guiding court interpreters.

Another aspect that is central to translation and interpreting is culture, which will be discussed next. Cultural studies will be used in conjunction with DTS to explore the issue of court interpreting in South Africa.

## **2.5 Cultural studies**

In the 1980s translation was considered a sub-division of linguistics, focusing on the act of substituting textual and semantic units in the SL with the same in the TL (Trivedi 2005:2; Snell-Hornby 2009:44). This was also known as equivalence, which was the yardstick used to judge the acceptability of a translation. Although equivalence was a preferred method in translation due to its ability to produce accurate translation, it lacked any socio-cultural aspects in terms of which translations were produced to comply with the requirements of communication in the target culture (Bassnett & Lefevere 1990:138-139). As a result, translation studies moved away from a prescriptive equivalence approach, regarded as isolationist, to the DTS approach, which led to the establishment of the link between language and culture (Bassnett & Lefevere 1990:138). Cultural studies requires that the aspect of culture be considered when one is interpreting from one language into another because culture is embedded in a language. In other words, culture influences the manner in which people communicate. Bassnett and Lefevere state that 'neither the word nor the text, but culture becomes the operational "unit" of translation studies' (1990:8).



This makes the target culture central in both translation and interpreting, and requires translators and interpreters to operate within the guidelines and limitations prescribed by a language and its culture. In simpler terms, in order to transfer the correct message from one language into another accurately, the translator has to take into account the aspect of culture in both the source and the target language.

The South African linguistic environment is a fertile one for the growth of translation and interpreting. The political changes in South Africa in the early 1990s affected translation conventions with reference to the eleven official languages, in that there was an increasing demand for translation into African languages that lacked the required terminological expansions (Nord 1991:135). Adding to this predicament was the adaptation and reformulation skills which traditionally did not form part of translation programmes, because they were not considered compatible with the convention of the mirror-image translation based on equivalence (Walker *et al.* 1995:105). This situation led to the training of African-language translators, in particular, to be able to produce texts that are accessible to the general population's language level in society. This training entails even the rewriting of the text to ensure that it is understood by the recipient, which includes cultural elements (Walker *et al.* 1995:102).

Interpreting also involves the conveying of messages between different languages. Therefore, in order for interpreters to convey accurate and understandable messages, they have to take into account the aspect of the cultures existing in the languages in which they interpret. Morris (1995a:27) states that interpreting is a subset of a communicative activity and is influenced by the differences in the languages' cultural aspects. Hale (2014:322) agrees that language and culture are intertwined and interpreting cannot be achieved at the basic word level only, without clarifying the cultural dimension. In this study, the aspect of culture in interpreting forms part of its data collection, where court interpreters are asked about the importance of culture in interpreting.

Some scholars have defined translation as manipulation, which is discussed in the next section.

## **2.6 Translation as manipulation**

The aspect of translation as a manipulation gave birth to the 'Manipulation School', which consists of Dutch scholars such as Lefevere, Lambert, Hermans, Bassnet and Toury. These scholars rejected the traditional, idealised idea that the TT is a faithful (equivalent) reproduction of the ST, and assert that translation is 'a manipulation of the source text for a certain purpose' (Hermans 1985:11).

Kramina (2004:37) further claims that translation is manipulation because no translation can ever be the same as the original. Kramina (2004:37) bases his argument on the fact that in translation there is no strict definition of manipulation, and that various scholars understand this phenomenon differently. This approach explains that translation is both target-oriented and functional (Schjoldager 1994:72). This approach was previously mentioned by Hermans (1991:166) who proclaims that the purpose of the translator's manipulation is to bring the TT into line with a certain notion of correctness which is found within a system of norms.

A general definition of the term 'manipulation' is offered by Fairclough (1994:2360), who states that translation is one of a number of strategies that people use to get others to do what they want them to do; these strategies are partly linguistic, involving manipulative uses of language. The question that may be asked about manipulation as defined above for purposes of translation and interpreting is whether the translator or interpreter carries out manipulation consciously or unconsciously. In dealing with the above question, Kramina (2004:37) explains that conscious manipulation is manipulation that comes about due to ideological, economic, and cultural considerations; whereas unconscious manipulation may be ascribed to the features of human psychology and manipulation due to ignorance. If done consciously, this supports Herman's statement mentioned above, namely that manipulation is done with a purpose and that it is a strategy. Where it is performed unconsciously, but brings about good results, it may be accepted as being a self-taught translation theory (Kramina 2004:37).

Fairclough (1994:2360) defines the word 'manipulation' within a linguistic context, which includes translation and interpreting as the conscious use of language in a devious way to control others.

He indicates that utilising language in this manner is to employ it in a fashion which hides one's strategies and objectives. Katan (2004:140) clarifies the use of manipulation in translation and interpreting by stating that it is not used blindly in these two phenomena, but that many theorists are concerned about the possibility of deviousness in a translation, since they argue that the act of translating involves skilful manipulation. Dukāte (2009:74) favours this concept, and states that translation is perceived as manipulative due to the following reasons:

- it changes the state of affairs, i.e. it brings something new into the target culture (TC), thus changing its environment to a larger or smaller extent; and
- metaphorically speaking, it establishes a certain relationship with its readers.

Pym (1992:176) distinguishes between three types of receptive readers: excluded, observational and participatory ones. The 'excluded' refers to the reader to whom the written text is not accessible, 'observational' describes the reader who understands the text but does not respond to it, while 'participatory' refers to the reader who can respond to the text; in addition, the fact that a certain text has been translated could also be interpreted as an instance of manipulation. Pym (1992:174) supports this view and states that translation could be regarded as manipulation since it takes the utterance out of its natural context and places it in a new context, thus manipulating both the source and the target poles.

There have been concerns raised by scholars such as Dukāte (2009:15) who questions Herman's statement above: If translation is manipulation, can it be trusted? In comparing translation and interpreting, Dukāte adds that, by extension, it may be claimed that interpreting is manipulation. However, Dukāte (2009:16) warns that the above claims could endanger the future of these two professions of interpreting and translation. This warning emanates from the fact that the term 'manipulation' could be understood differently, depending in the context in which it is used. In suggesting a solution to the problems that might arise from the use of manipulation by translators, Kramina (2004:39) states that translators need to be aware of the phenomenon of 'manipulation in all its manifestations, to be able to control it, and not to be controlled by it'.

This statement links cultural studies to DTS, since the DTS framework regards interpreting and translation practices as manageable, observational facts and phenomena, which have actual existence in the world irrespective of any prior theoretical consideration and are not merely speculative outcomes of facts (Toury 1980:80).

The above discussion indicates that at some point scholars began thinking about translation and started to conceptualise this phenomenon; nevertheless, no single, all-embracing definition of it has yet been offered (Dukâte 2009: 20). Furthermore, it is clear that more definitions are still to emerge in the field based on the changes in life in general and new discoveries that are made in various fields. The next section discusses how interpreting is defined since these definitions are obviously linked to models of interpreting.

## **2.7 An overview of the definitions of interpreting and court interpreting**

In this section, several definitions of interpreting will be explored to provide a background understanding of this phenomenon. This will be done by examining the conceptual roots of the definitions provided by different scholars in the field. The aim is to examine what aspects are considered in defining this phenomenon.

### **2.7.1 Definitions of and views on interpreting**

According to Pöchhacker (2010:9), the etymological roots of the term interpreting are derived from the Latin word '*interpres*' in the sense of 'expounder', which means that an interpreter is 'a person who explains what is obscure'. This explanation may have different connotations: for example, 'obscure' may mean something not easily understood, in which case the interpreter has to make it more easily comprehended. This description may be problematic in the sense that it does not guide the interpreter clearly regarding how to interpret that which is obscure. Therefore, she or he may use his or her own personal preferences in doing so.

To recapitulate: According to Roy (1993:128), the fact that interpreting was traditionally subsumed under translation meant that the practice was at first described in the broadest sense of translation. This led to the interpreting phenomenon being defined in the general terms of translation as 'the transfer of thoughts and ideas from one language (source) to another (target)'.

Scholars distinguished between translation and interpreting by adding that translation deals with written messages whilst interpreting deals with spoken ones (Roy 1993:128). This approach is followed by Seleskovitch (1978:2) who states that 'translation converts a written text into another written text, while interpretation converts an oral message into another oral message'. The two definitions are broad and do not take into cognisance the processes of interpretation. Roy's definition also excludes sign language interpreting, which reminds one that interpreting is more than the oral conversion of information from one language to another.

Anderson (1978:218) defines interpreting as an act that occurs whenever 'a message originating in one language is reformulated and retransmitted orally in a second language'. Anderson's definition is communication-based and centres on how the message is understood and interpreted by the interpreter who presents it in another language. However, the definition does not take into account many other aspects that influence interpreting, such as culture and appropriate training among others. In reaction to definitions that dwell on interpreting being orally based, Pöchhacker (2010:10) advises that:

a more accurate way of defining interpreting is to disregard the oral-written dichotomy in favour of the feature of immediacy, in order to accommodate for other interpreting types such as sign language interpreting and sight translation, in which the oral aspect, though not entirely absent, is not a distinctive feature in interpreting.

Based on the above recommendation, Pöchhacker (2010:10) defines interpreting as 'a form of translation in which a first and final rendition in another language is produced on the basis of a one-time presentation of an utterance in a source language'. The use of the word 'translation' in the above definition of interpreting foregrounds the statement of Roy (1993:128) in that interpreting has been subsumed under translation. This definition, like previous ones, has limitations because it does not take into account the processes involved in interpreting.

Over time, a change in the way scholars defined interpreting transpired. Kohn and Kalina (1996:118) viewed it as 'a communicative interaction between members of different language communities mediated by interpreters, and that it was by definition a form of cross-linguistic and cross-cultural communication'.

In this definition, culture is emphasised and the definition concedes to the fact that interpreting is a communication, as it takes place between people who are from different language backgrounds. From this definition, it is clear that an interpreter not only has knowledge of languages, but also that of cultures in respect of those particular languages, as culture cannot be separated from language. What can also be noted about this definition is 'the presence of the interpreter', not translator as stated by other scholars. However, although the term interpreter is mentioned, what is still lacking is that the definition does not define the interpreter in terms of the skills or abilities he or she needs to possess. Such a definition would help clear up some of the misconceptions about interpreters, for example, as already mentioned, that interpreting can be performed by anyone who is able to speak two languages. Overall, the definition by Kohn and Kalina is important to this study, as it emphasises the importance of culture in the process of interpreting and views culture as a central variable in the formulation of a home-grown model.

Although Pöchhacker (2005:682) concurs with the definition by Kohn and Kalina, he extends it by viewing interpreting not only as a form of communication, but also as an activity that enables or facilitates this particular communication between the speakers. This definition implies that one needs to analyse what happens during interpreting in order to understand it. Pöchhacker and Shlesinger (2002:3) again define interpreting as 'an inter-lingual, inter-cultural oral or signed mediation, enabling communication between individuals or group of people who do not share or choose not to use the same language'. The topic under investigation supports this definition, as the researcher is of the view that court interpreting is about communication that takes place between two or more court participants who stem from different linguistic and cultural backgrounds, mediated by the interpreter. Additionally, interpreting can be oral or sign-based. This view is partly in line with that of Morris (1995a: 27) who says:

Interpreting is a subset of a communicative activity, which is influenced by differences in cultural and other conditioning factors and in order to convey these aspects, the interpreter needs to understand not only linguistic but also many other elements related to speaker's and listener's worlds of knowledge.

The later definitions of the interpreting phenomenon describe the process of interpreting more clearly. Roy (1993:128) explains that definitions of interpreting are one way of explaining the interpreting event. From the above discussion, it is clear that there is no one definition that is considered standard by all interpreters. Furthermore, to date, scholars are continuing to define interpreting differently, based on the changes in theory, in technology and as new forms of interpreting emerge. The multiplicity of definitions may be confusing to South African court interpreters, as they may not know which definition of interpreting they should follow as a guide in carrying out their task. A clear definition of the phenomenon could help in the understanding of the phenomenon, and this could lead to the role clarification and task standardisation of interpreters.

However, in the absence of a clear definition of the interpreting phenomenon, interpreters may be seen to be carrying out their interpreting task differently rather than uniformly, due to the conflicting and different guidance provided by the varying definitions of the phenomenon. Roy (1993:129) affirms that:

most of the definitions provided for the phenomenon of interpreting are of standard definitions which appear in academic writings, and they represent the briefest, most general, and the most widely accepted definitions of interpreting. However, these definitions are so succinct that they lack any true explanatory power about interpreting or the nature of the event. They lend themselves to accounts of interpreting which represent the process in a rather mechanical way which then lends itself to explanations of the interpreter as performing a mapping skill on the tokens of a language.

Scholars such as Morris (1995a:27), Kohn and Kalina (1996:118), Anderson (1978:218), and (Roy 1993:128) view interpreting as a communicative activity; communicative interaction; an act; and a transfer of thoughts and ideas respectively - all these aspects suggest that interpreting is a process. The next section, therefore, examines interpreting in this light.

## **2.8 Interpreting as a process**

Interpreting scholars have described interpreting in numerous ways, ranging from the interpreter's mental performance on hearing the SL utterances, the analysis of this discourse, up to the production of the TL utterance.

One of these scholars is Gile (1995: 79) who observes that interpreting is a process, and that there are two phases involved in interpreting. He calls the first stage the listening and note-taking phase, which he abbreviates as L+N+M (Listening + Note-taking + Memory). During the first phase, the interpreter is involved in the listening and analysis of the SL utterance. This is done by comprehending the SL utterance and analysing sound waves, identifying words, and decoding the meaning. In this process, the interpreter also takes notes to aid his [or her] memory in case he [or she] cannot remember certain words or phrases. The second stage is called the remembering and production phase and is abbreviated as Rem + Read + P (Remembering + Read notes + Produce the target message). This process indicates that interpreting is not only the replacement of a SL utterance with a TL utterance, but that the interpreter has to complete certain processes in order to produce the TL utterance. This definition is important to this study, which as mentioned explores interpreting processes in the South African court system, in order to identify important variables that can be used to formulate a home-grown model.

Wilcox and Shaffer (2005:144) also view interpreting as essentially being about communication, in that it is an active process of constructing a meaning, based on evidence provided by speakers. Vlachopoulos (2012:6) agrees that interpreting is a process that is not only fed by linguistic data and world knowledge, but that it should also obtain input from examination of the situational factors by the interpreter. Unlike other scholars, Vlachopoulos' definition considers other aspects beyond knowledge of language. These aspects need not only be interpreted; they also need consideration of some kind of analysis as well as reformulation, and a process should be followed to do so. His conception is in line with Vermeer's notion (1996:205) that a 'process' is constituted by a sequence of analytically distinguishable sets of events, which, under specifiable conditions, can be related to one another. Linell (1997:50), who approaches interpreting from the perspective of communication studies, defines the 'process' in interpreting as the implementation of predefined operations, that is, input and output processing, most often viewed as cognitive intra-individual process in real time. In terms of the definitions above, a 'process' constitutes a number of events that have to be analysed in order to understand what interpreting is.



Although an older source, Gerver (1975:119) explicates the interpretive process as follows: 'while they (interpreters) listen to one language, they carry out complex transformation on the segment of the message they have just heard, while uttering their translation of the previous portion of the message'. This description of the 'process' concept by Gerver, as well as those provided by scholars above, foreground the notion that interpreting is a process. This process, when demarcated and described, leads to an understanding of what exactly court interpreters do when practising interpreting.

Pöchhacker (2005:683) views the 'process' in interpreting as being an influential way of thinking about the phenomenon of interpreting. His approach supports the stance followed in this study, in that by asking court interpreters to define the phenomenon of interpreting and to describe what they actually do when interpreting' they are prompted to reflect deeply about the said phenomenon. Such an approach is likely to influence court interpreters' ways of thinking about the phenomenon, rather than simply asking them what interpreting is. Asking them to define interpreting may lead them to respond with what they may already know about the generic meaning of interpreting. The problem with this approach is that they may be influenced by their pre-knowledge in answering this question accordingly. However, by asking them to describe the process, interpreters may be motivated to think cognitively about the task they are involved in when actually interpreting. To summarise, the approach followed in this study will enable court interpreters to conceptualise the processes of interpreting and think in concrete terms rather than in the abstract.

Kirchhoff (in Pöchhacker & Shlesinger 2002:111) describes the 'process' in interpreting as transcoding or code-switching. This description foregrounds the fact that interpreting is not merely the replacement of a speaker's words with those of the listener in another language, as there is transcoding involved. Kirchhoff's standpoint is based on that of Roy (1993:348) who states that interpreters are not simply processing information and passively passing it back and forth, but that their task requires knowledge of organisational systems, grammatical and discourse systems, language-use systems as well as emergent adaptive systems to perform their job successfully and consistently.

All these aspects are entrenched in the process in which court interpreters are involved during interpreting. Pöchhacker (2005:685) also supports this description of the interpreting 'process' and expounds the notion that although the various conceptualisations of interpreting differ widely with regard to their origins and theoretical framework, they all share a basic view of considering interpreting as a 'process'. This stance is also held by Chesterman (2009:20) who states that the basic conception of interpreting is a process, one in which words in one language are converted into words of another language.

In summary, Kohn and Kalina (1996:120) state that research on interpreting has traditionally placed emphasis on the strategic processes interpreters resort to when trying to cope with the specific conditions and requirements of interpreting, and that this perspective opened up considerable potential for a better understanding of how the interpreting process functions. In this process, interpreters search for linguistic and cultural equivalents to ensure that speakers from different linguistic and cultural backgrounds receive the same message as that conveyed by the original utterances (Lee 2009a:35). From the discussion in this section, it is evident that interpreting is an intricate process, as the court interpreter has to search for all equivalents, compare them to one another and choose the appropriate one to convey (Baker 2011:18). However, this process not only comprises interpreting words from a SL to a TL, but further involves a number of divergent aspects such as communicative interaction, involvement of diverse people, as well as linguistic and cultural aspects (De Jongh 1992: xvi).

As interpreting takes place in different settings, each setting determines how interpreting should proceed in that particular setting. In other words, the situation determines and influences what type of interpreting should be used in that specific setting. The next section presents the different types of interpreting in their various situations.

## **2.9 Types of interpreting**

Interpreting is a type of communication process, and it may take place at different settings where people need to communicate with each other. As a result, there may be different types of interpreting, depending on the setting in which each of them occurs.

Dukāte (2009:36) classifies interpreting into different types, namely conference interpreting, court interpreting, and community interpreting, and mentions that each type is distinguished from the other according to the context in which it occurs. Accordingly, Dukāte (2009:37) states that conference interpreting occurs in international conferences and in summit meetings. Court interpreting occurs in a courtroom and other legal settings such as a prison or police station, while community interpreting occurs in community contexts such as schools, and hospitals.

In this study, it is essential to understand the different types of interpreting so as to situate court interpreting within the larger framework of interpreting. The following sections discuss the two types of interpreting that are relevant to this study, namely community interpreting and court interpreting. Interpreting scholars are of the view that court interpreting falls within community interpreting, and the discussion that follows examines the relevance thereof.

### **2.9.1 Community interpreting**

According to Wadensjö (2002:33) community interpreting refers to:

interpreting which takes place in the public service sphere to facilitate communication between officials and lay people at police departments, immigration departments, social welfare centres, medical and mental health offices, schools and similar institutions.

As the name suggests, community interpreting is community-based, and is used in institutions that offer services to the community. In South Africa, this type of interpreting is used, for example, in doctors' consulting rooms, where a nurse will normally act as an interpreter between a patient and a doctor. Notably, these nurses are not trained as interpreters, and this could lead to wrong medication being supplied for incorrectly diagnosed illnesses. Generally, court interpreting is seen as a subdivision of community interpreting, as shall be shown in the next discussion.

### **2.9.2 Court interpreting**

This type of interpreting refers to interpreting services that take place in courts of law and in legal cases of any kind, and is also known as legal, judicial, or forensic interpreting. Since court interpreting is the focus of this study, it is defined in detail below.

## **2.10 Definitions of and views on court interpreting**

At first glance, it seems as if the various definitions of court interpreting provided by scholars are at odds with one another, as each definition explicates court interpreting differently from the others. There seems to be contestation over whether court interpreting is a specialised type of interpreting, or whether it falls under community interpreting, which presupposes that it is not specialised. It is crucial that this phrase be clarified, in order to obtain a clear understanding of what exactly court interpreting is. This clarification will contribute to the description of the role of court interpreters, as the meaning and functions of court interpreting will be formulated from their specific point of view.

Examining the various definitions of court interpreting, Gonzalez *et al.* (1991) define court interpreting as legal, judicial, and/or forensic interpreting; that is, it comprises interpreting services provided in courts of law and in legal cases of any sort. This definition brings about clarity between interpreting in general, which can be performed anywhere, and interpreting performed in court. Since court interpreting is performed in a court of law, it is subjected to norms of the legal system, unlike other types of interpreting. Furthermore, it comes as no surprise to see legal officers controlling this specific service. Although the above scholars distinguish court interpreting from other types of interpreting by emphasising the setting wherein it takes place, their definitions do not touch on the process of interpreting nor on its roles as a linguistic and cultural communicative tool in the courts of law.

Shuttleworth and Cowie (1997:32) extend their definition of court interpreting beyond the borders of a courtroom and define it as interpreting that covers all kinds of legal interpreting, whether taking place in a courtroom or in other legal settings such as police departments, prisons, and immigration offices. Mikkelsen (1999b:12), however, views this as legal interpreting and explains that this type of interpreting takes place in a legal setting such as a courtroom or at an attorney's offices, wherein some proceedings or activity related to law are conducted. She states that legal interpreting is subdivided according to its legal setting, into quasi-judicial and judicial interpreting or what is normally referred to as court interpreting (1999:12).

Closely similar to the legal interpreting definitions of Gonzalez *et al.*, and Shuttleworth and Cowie, is that of Stern (2011:325) who defines the concept as:

a branch of interpreting conducted when speakers of different languages have to communicate in legal or paralegal setting, during an arrest, at police stations, in prisons, at lawyer's office, in courts and tribunals, as well as in relation to asylum, immigration and customs matters.

It is crucial at this stage to mention that the latter definitions of court interpreting pose a problem since they do not indicate clearly whether what they are referring to is legal, judicial, or court interpreting, as these scholars use these terms interchangeably. Roberts (1997:9) underscores the conflicting definitions of court interpreting and proposes that these court interpreting definitions belong to the broader concept of what is termed 'community interpreting'.

Community interpreting is, according to Jiang (2007:2), interpreting that applies to institutional communicative situations, which also includes court interpreting. Kohn and Kalina (1996:120) confirm that court interpreting is subsumed under community interpreting. Phrases such as 'ad hoc interpreting', 'cultural interpreting', 'liaison interpreting', and 'public service interpreting' are sometimes used synonymously to refer to court interpreting (Roberts 1997:8). However, Pöchhacker (1999:127) holds a different view, and states that more often than not, court interpreting is viewed as a separate speciality, one that is distinct from the activity of community interpreting. The researcher aligns himself with this view. In her later studies, Mikkelsen clarifies this confusion, by stating that the term 'court interpreting' is used to refer to interpreting that takes place in a courtroom (2000:1). Mikkelsen argues that the term 'court interpreting' limits interpreting to a given setting, namely that of a court of law (2000:1). This present study favours the approach followed by Mikkelsen in defining court interpreting in this manner. The reason is that this definition helps in removing any misunderstandings that might arise by the use of any other phrase other than 'court interpreting'; as such, this is the definition adopted in this study. Hence court interpreting is interpreting that takes place in the courtroom specifically.

### **2.10.1 Institutions influencing the process of court interpreting**

The process of court interpreting takes place within the courts of law; that being the case, these institutions are usually seen to be taking charge or control of the whole process and its outcome.

Mikkelsen (2008:21) explains that legal officers, as main role players in the legal institutions, were the first to define the concept of court interpreting in an endeavour to guide court interpreters as to how to perform their duty. According to Jacobsen (2002:1), various studies of court interpreting have demonstrated that there is a tendency in most legal systems and among users of the court interpreting services, to define court interpreting; yet their definitions often clash with the reality of the interpreting situation in the courtroom. This leads to many problems being associated with the practice of interpreting. Takeda (2007:22) points out that institutional constraints are a major factor in deciding how interpreters should carry out their task in courtroom settings. This is because some institutions will even go to the extent of influencing the very same process of interpreting, in terms of how this process should take place. Davidson (2000:382) states that institutional discourse is defined, in large part, by the fact that institutionally-defined goals and institutionally-reinforced habits for achieving them provide clear signposts for how communication should and does proceed.

Because the legal officers take control of interpreting, interpreters tend to lose their voice and identity in the process. This is affirmed by Morris (2010:20), who proclaims that today's legal system generally demands that the interpreter functions as a 'faceless voice' or a 'conduit' in a neutral or non-intrusive way. However, this restriction cannot apply to the South African context, since South African indigenous languages are rich in metaphorical language that may need to be explained. If they were to act in the legal system as 'conduits', as suggested by Morris, court interpreters might have to interpret word-for-word, which would distort the message that the speaker intends to convey.

The above statements by Davidson, Mikkelsen and Morris are supported by examples from foreign law.

In terms of section 149(1) of the Danish Administration of Justice Act, court interpreting has to adhere to these four principles: accuracy and completeness; impartiality; confidentiality; and lack of conflict of interest (Jacobsen 1998:138). The goal of the legal system as expressed through these guidelines is to restrict the role of court interpreters to that of being physically invisible and verbally silent (Jacobsen 1998:139).

According to Davidson (2000:380), the defined goals of a particular institution are to be met by interpreters whose interpretation has to show that they interpret for a reason, and that they do not simply come upon two speakers shouting at each other in different languages and thereupon offer their services. Davidson (2000:379) further states that the interpreter's actions are analysed against the institutional context within which he or she is working, and with an eye to the institutional goals that frame the communications between participants in that particular setting. In terms of Davidson's assertion, interpreters cannot act contrary to the institutional goals, as these are laid down for them and which they must meet - these serve as a guide for how they should conduct interpreting. As a result, the institutional goals have a bearing on how interpreters ought to carry out their function at these institutions.

Morris (1995a:25) points out that 'the law defines court interpreting as an activity in which the interpreter decodes and attempts to convey his or her understanding of the speaker's meanings and intentions'. In terms of this definition, the court interpreter, in rendering an accepted interpreting task, has to abide by the guidelines outlined in this definition, in decoding the speakers' utterances and conveying his or her understanding of the speakers' meanings and intentions. However, the disadvantage of this particular definition of court interpreting is: how will a court interpreter know what the intention of the speaker is, in order to convey it? The difficulty is that the court interpreter may make assumptions, and interpret utterances according to this assumption, which may be tantamount to guessing, as he or she cannot read the mind of the speaker to be able to see what the speaker's intention is. The assumptions may be either right or wrong. If the assumption is wrong, the interpretation may be a misrepresentation of the speaker's utterances and it may be prejudicial to such a speaker. Ultimately, this may also lead to a miscarriage of justice.

Morris (1995a:26) notes that the definition of court interpreting prescribed by the legal system does not represent a true reflection of what court interpreters actually do when interpreting, and states that this definition is at odds with the importance of context in the effective exchange of messages.

It is also worth mentioning that there is no indication that those who prescribe the definition of court interpreting know and understand the dynamics thereof, which could enable them to provide a clear and understandable definition of this phenomenon. However, in spite of this, their definitions become binding on all interpreters working in those particular institutions: all court interpreters have to abide by these guidelines.

Since the institutions that offer the interpreting services initiate interpreting, Jiang (2007:4) observes that the settings in which the interpreter-mediated encounter takes place can be categorised as belonging to everyday or specialised discourse. According to Jiang (2007:4), categorisation of interpreting as belonging to either form of discourse depends on the type of the institution offering the interpreting service, and also the type of setting in which interpreting takes place.

In the next section, this study examines how the phrase 'court interpreter' has been defined, to ascertain whether the definition of this phrase is a representation of what the phrase actually constitutes.

## **2.11 Defining a court interpreter**

The phrase 'court interpreter' is defined in general to distinguish it from other interpreters in other settings. For example, when a discussion relates to an interpreter who is involved in a conference setting, such a person will be referred to as a conference interpreter. In the case of a definition of the phrase 'court interpreter', Morris (2010:22) observes that various images have been used by legal officers to describe the human beings who transfer a message delivered in one language into another in a legal setting. According to Morris (2010:1), the legal officers define a court interpreter, among others, as a faceless voice, a conduit or channel, a translating machine, an organ conveying sentiments or information, a mouthpiece and a means of communication. This is because legal officers have taken it upon themselves to decide what court interpreting means as well as the role of interpreters.



These legal officials rarely involve court interpreters and researchers or scholars in the field of court interpreting when making such decisions. This saw interpreters objecting to the definitions of these legal officers, and the implications (Morris 2010:2).

Jacobsen (2002:1) observes that various studies of court interpreting have demonstrated that this perception is common in most legal systems, or among users of interpreting services in general, and he criticises this practice. This study argues that contradictions and conflicting views on court interpreting are a result of the non-involvement of practitioners of court interpreting and interpreting scholars in defining what interpreting is. As a result of the above, injustice to the profession of court interpreting has been done. Had practitioners and scholars, of whom most are still practising court interpreters, been involved, they would have clarified issues that were difficult for legal officers to grasp, and thus avoided confusion and contradictions.

Grabau and Gibbons (1996:230), two interpreting scholars, define a court interpreter as a 'language mediator' or 'language conduit' whose presence and participation allows an individual who does not speak or understand English to meaningfully participate in the judicial proceedings. This definition partly fits into the topic under investigation as the researcher is of the view that a court interpreter mediates and makes communication possible between two or more speakers who do not speak the same language. On the other hand, the definition of a court interpreter as a 'language conduit' also becomes problematic when applied in the present study. The disadvantage is that the word or term 'conduit' is an English metaphor which has no place in the South African context due to the difference between English and South African languages. As noted by other scholars such as Laster and Taylor (1995:12) as well as Lipkin (2008:93), the definition of the court interpreter as a 'conduit' is problematic as it defines the court interpreter as a mechanical instrument, whilst the court interpreter is actually a human being and not an object. The court interpreter is a participant who is involved in court proceedings, where one of his or her tasks is to clarify some of the cultural aspects that hinder the free flow of communication.

Morris (1999) approaches the definition of a court interpreter from the perspective of the setting where interpreting takes place. In other words, she looks at the setting where court interpreting is conducted or carried out and defines it from that angle. She defines a court interpreter as an officer of court who is trained to listen in one language and interpret in another during courtroom and related judicial proceedings (1999:7).

This definition is limited only to listening and interpreting and does not define or describe how the interpreting is done and what exactly is involved. However, the crucial aspect of this definition is that it considers the court interpreter to be trained. Although it may seem as if Morris limits the aspect of training to listening and interpreting, the word 'training' still involves a number of features. These may be, for example, related to how the training on listening was done, which brings in other elements such as 'listening attentively', 'grasping the message contained in the SL utterance', etcetera. In terms of the approach followed in the present study, Morris's definition of a court interpreter is deemed problematic. This definition does not align with the aims of the study, as it does not describe and define the process that a court interpreter is involved in when interpreting, except that it summarises that the interpreter listens and interprets. The present study argues that the definition of a court interpreter can be best defined by the task that the court interpreter is doing.

The positive contribution in Morris's definition is its inclusion of knowledge of cultural aspects which the interpreter must possess, since culture is embedded in language. Bar-Tzur (1999:2) presents a model to support this statement - he states that according to the bilingual-bicultural model, interpreters seek to understand the cultures of both participants involved in communication, in order to find equivalence as far as possible, and to assist both sides to see each other's perspective. According to Roy (1993:351), court interpreters should be sensitised to any cultural aspects, and they must be aware of these aspects when interpreting, since they are communicating across cultures as well as between languages.

The definitions provided above indicate that court interpreters are involved in a number of tasks during interpreting; as a result, they need to command certain skills that will enable them to complete their task successfully. The next section discusses the skills that court interpreters must possess, in order to carry out their task competently and confidently.

## **2.12 Skills required in court interpreting**

As regards the skills of a court interpreter, Keratsa (2005:1) notes that court interpreters cover virtually all kinds of legal cases involving people of different age groups, cultural backgrounds, social status and literacy competences.

As a result, court interpreters need to have, and or acquire the necessary skills that will enable them to interpret accurately and bridge the linguistic and cultural gaps between court participants and the judiciary. According to Taft in Mfazwe (2003:37):

a translator must possess certain competencies in both the source and target culture, which include knowledge about the society (prohibitions, values, folklore, history); communication skills (written, spoken); technical skills (those required by the mediator's status, e.g. computer literacy and appropriate dress, etc.) and social skills (knowledge of the rules that govern social relations in society, emotional competence etc.).

The skills that are listed for translators are also true of interpreters, though interpreters need more skills than these because of the immediacy involved in their job and the fact that they deal with a live audience. Keratsa (2005:1) states that among the skills required, they must have general knowledge of various cultural elements and an extensive command of vocabulary, ranging from formal legal to slang and colloquialism. Mikkelsen (2010: 6) reveals that a survey was conducted on the skills required of a court interpreter; the following have been identified:

### **2.12.1 Language skills**

Mikkelsen (2010: 6) observes that, to interpret accurately, the starting point of being an ideal court interpreter will be that of having a good command of working languages. This important aspect was also emphasised by scholars such as Seleskovitch (1978), Gonzalez *et al.* (1991), and Gentile *et al.* (1996). This feature is crucial because court interpreters interpret for two people who come from different linguistic and cultural backgrounds. Without a good command of two working languages, the court interpreter cannot express the ideas of the speaker. Acquiring this skill in South Africa is even more important, as some court interpreters work in more than two languages at a time. Mikkelsen (2010:6) observes that possessing a good command of the working languages is a prerequisite for mastering the techniques of interpreting.

It is important to note that linguistic skills go beyond mere ability to speak the language; training is required in order to gain intimate knowledge. This simply means, as mentioned, that mere bilingualism is not a qualification for one to be an interpreter, as usually assumed by many lay persons. Beside linguistic skills, court interpreters are required to have an intimate knowledge of culture.

### **2.12.2 Cultural knowledge**

Culture is defined differently by different scholars, and is viewed as an integral aspect of communication. Newmark (1988:94) defines culture as a way of life and its manifestations that are peculiar to a community which uses a particular language as its means of expression. This definition implies that language is inseparable from culture. Culture is, therefore, a central aspect that shapes language and makes it distinct from other languages. In other words, people who belong to the same culture will have a particular way of communicating. Their speech will differ from that of other speakers from a different language due to cultural influences. Unless an interpreter understands that specific culture, chances of misinterpreting what has been said are great. For example, there is a Setswana idiom expression that says '*Mmangwana o tshwara thipa ka fa bogaleng*' (literal translation: The child's mother holds the knife by its blade). Idiomatically this means that the mother stands by her child in whatever situation. The interpreter who does not understand this idiomatic expression is likely to interpret it literally, which will lead to misinterpretation. Court interpreters are therefore advised to have knowledge of the cultures of the languages they interpret (Gonzalez *et al.* 1991, Carr *et al.* 1997). Scholars such as Bar-Tzur (1999:2), Roy (1993:351) and Morris (1999) echo the same sentiment.

Hale (2014:321) is of the view that interpreters who work in community settings with participants from disparate cultural backgrounds, are likely to be confronted with difficulties in accurately conveying the source message into the target message, due to cross-cultural differences. Such differences might range from pragma-linguistic differences at a discourse level of speech to socio-pragmatic differences, which go beyond the utterances. When confronted with such instances, interpreters are usually unsure of how to react and do not know what is expected of them. The difficulty that may be faced by them is that if they are to explain or clarify a cultural aspect, they may be criticised for overstepping the boundary of interpreting by not acting as 'conduits'.

In addressing this issue, Hale (2014:322) elucidates that language and culture are intertwined, and interpreting cannot be achieved at the basic word level only without clarifying the cultural factor(s). The concept of culture is important in this study, as noted, because African languages and their modes of communication are steeped in culture. Besides linguistics and cultural knowledge, interpreters also need listening and recall skills.

### **2.12.3 Listening and recall (memory) skills**

Effective interpreting requires effective listening skills (Gentile *et al.* 1996). Jones (1998:14) views listening in interpreting not to mean any ordinary form of listening, but attentive listening, also regarded as 'active listening'. It is regarded as such because the interpreter must later be able to remember the utterances that he or she was listening to; in other words, he or she must be able to retain the speech or message, reformulate it and transfer it into the TL. This is called memory or recall, which is also identified as an essential part of interpreting (Mikkelsen 2010:7). Seleskovitch (1978:34) explains that: 'In interpreting, memory and understanding are inseparable; and the one is a function of the other'. This skill is what makes interpreting different from translation - the urgency of the process, and the need for interpreters to listen, and recall and transfer, information on the go. This skill can be improved through training; hence, the researcher emphasises training over against interpreters who are simply hired on the basis of their bilingualism.

### **2.12.4 Analytical skills**

In respect of analytical skills, Gonzalez *et al.* (1991:363) are of the view that message analysis is foremost among the strategies used by court interpreters, and that it is so crucial that it can be considered an intrinsic part of the process rather than an ancillary tactic. Scholars such as Seleskovitch (1978:123) and Gile (1995:179) also emphasise the importance of analytical skills, especially in a courtroom setting. After hearing the source utterance, the court interpreter has to analyse it, understand the whole context of what has been said, whilst at the same time taking into account issues of linguistic features. The interpreter then reformulates the source utterances from the SL into the TL. Analysis plays a crucial role since interpreting is not just a replacement of one utterance from SL into the TL.

### 2.12.5 Speaking skills

Speaking skills refer to the ability of the interpreter to express ideas well, and range from the quality of voice to the choice of idiom, vocabulary, and phrasing. What comes out of the mouth of the interpreter and the manner in which it comes out, are important in the overall effectiveness of interpreting (Gentile *et al.* 1996:47).

Court interpreters are expected to be articulate and eloquent, and enunciate their words clearly; to speak at a steady pace, fast enough to keep the attention of their audience, but sufficiently slowly to produce the words distinctly. In summary, an interpreter must be able to speak clearly, without the listener experiencing the difficulty of understanding the interpreter.

### 2.12.6 Other skills

Above and beyond the above-mentioned skills, there are other crucial skills such as **subject knowledge**. In courts, interpreters have to know legal terminology in order to be able to transfer the information. Legal professionals use legalese in court, which may be very difficult for ordinary English or African language speakers to understand. Legalese entails the use of everyday English words which are then given different and unusual meanings, for example, 'party' for the person litigating or contracting, and 'bench' for the judge's or magistrate's seat. Certain Latin words and expressions, such as '*mens rea*' or '*mutatis mutandis*' are frequently used in courtroom discourse. Court interpreters not only need to know what each specific legal term means, but also need to communicate this meaning effectively to their clients.

Furthermore, the court interpreter's general behaviour and his or her manner of dress are determined by this formal environment. As such, they need to be confident, presentable and ethical among other features. From the above discussion, it is clear that court interpreting is not a simple task; it requires mastery of at least two languages and involves what Berg-Seligson (2012:421) describes as 'the conversion of source language material into its closest target language equivalent in a legal context'. This legal context raises the level of complexity and elevates expectations for accuracy in court interpreting (Martin 2013:1).

In South Africa, there are several studies, including those of Moeketsi (1999b) and Lebesse (2011; 2013), which have demonstrated that accuracy in court interpreting may sometimes prove to be elusive. This is seen in instances where court interpreters omit, add, alter or even influence the evidence of the witness. Accuracy in court interpreting therefore calls for the proper training of court interpreters in order for it to be attained.

As noted earlier, the challenge faced by South African court interpreters in respect of attaining accuracy during interpreting, is that they lack proper training from their employer to guide them in their task. In addition to this lack, court interpreters need their role to be clearly defined in order for them to carry out their task satisfactorily.

As indicated before, interpreting takes place in different settings and these determine the 'mode of interpreting' to be used. This phrase refers to the manner in which interpreting takes place and is discussed in the following section.

## **2.13 Modes of interpreting**

Different modes of interpreting are discussed below so as to draw attention to the circumstances in which interpreting takes place. This section is important to the study because interpreters were interviewed about this aspect so as to inform the model created. Generally, interpreters in South Africa confuse the type of interpreting and the mode of interpreting, yet they are as different as night and day. There are different modes of interpreting that are used in different types or settings of interpreting. A mode of interpreting explains how interpreting takes place; the different modes are explained below.

### **2.13.1 Simultaneous interpreting**

Simultaneous interpreting is mostly used in conference settings where people or parties discuss a certain issue of concern. In this mode of interpreting, the TL utterance is delivered almost at the same time that the SL utterance is produced. Some scholars such as Russell neglect to use the phrase 'almost at the same time' and define simultaneous interpreting as 'the process of interpreting into the target language at the same time as the source language is being delivered' (2005:136). Interpreting cannot take place at the same as the SL is delivered, for the interpreter will not be able to interpret an utterance he or she does not hear.

Therefore, there must be a lag between the speaker of the SL and the delivery of the TL by the interpreter. Seleskovitch (1978:125) states that the interpreter speaks at the same time, but goes on to elaborate the process:

In simultaneous interpretation the interpreter is isolated in a booth. He speaks at the same time as the speaker and therefore has no need to memorize or jot down what is said. Moreover, the processes of analysis-comprehension and of reconstruction-expression are telescoped. The interpreter works on the message bit by bit, giving the portion he has understood while analyzing and assimilating the next idea.

In the process described above, the interpreter listens and translates in small segments, then listens again and conveys another chunk until the message has been delivered. In simultaneous interpreting, there is no time for the interpreter to correct his or her interpretation, as after conveying an utterance, the focus must be on listening to the next chunk of information. Simultaneous interpreting is therefore characterised by its immediacy. This calls for the simultaneous interpreter to be good at listening, a quick thinker, and to possess the ability to speak eloquently, so that the listeners do not struggle to hear the utterances. Although mostly used in conferences, in South Africa the simultaneous interpreting mode is also used in other settings such as meetings, classroom lectures, and even in a courtroom setting. In the American courts, the National Association of Judiciary Interpreters and Translators (NAJIT) states that the simultaneous mode of interpreting is used whenever participants, most often defendants, are playing a passive role in court proceedings such as arraignments, hearing, trials, or interviews.

In the South African courtroom context, the researcher has had personal experiences where some presiding officers in the lower courts prefer the interpreter to use simultaneous interpreting during judgment. This is at the stage of their analysis of evidence presented by witnesses. However, when it comes to evaluating such evidence in totality, some judicial officials prefer that the interpreter revert back to the consecutive mode of interpreting, and they will allow the interpreter to interpret everything without any interruptions.



### **2.13.2 Consecutive interpreting**

Russell (2005:139), although coming from a sign language interpreting background, observes that the consecutive mode of interpreting, which is mostly used in the South African courts, is surrounded by myths and perceptions; one such standpoint is that consecutive interpreting is considered as a distinct skill-set of interpreting, whilst others do not see it as an important area of focus.

This is evident from its rejection by some interpreter education programmes, and also by the interpreters themselves, who consider the mode ineffective and as one used by interpreters who are less skilled (Russell 2005:139). Seleskovitch (1978:123) described consecutive interpreting as follows:

In consecutive interpretation the interpreter does not start speaking until the original speaker stopped. He therefore has time to analyse the message as a whole, which makes it easier for him to understand its meaning. The fact that he is there in the room, and that the speaker has stopped talking before he begins, means that he speaks to his listeners face to face and he actually becomes the speaker.

From the above definition, it is clear that the consecutive mode of interpreting, unlike the simultaneous mode, offers the court interpreter the opportunity of not being rushed into producing his or her interpretation. However, the question that remains is: after what length of the speech must the interpreter start interpreting? Some scholars argue that the interpreter should start interpreting after a complete sentence has been spoken by the speaker, while others argue for a length of speech which is sufficient for the interpreter and the audience to grasp. The length of the utterance to be interpreted in consecutive interpreting remains controversial.

Gile (2004) shares the same definitional elements of a consecutive mode of interpreting as Seleskovitch quoted above. He states that consecutive interpreting refers to 'the mode of interpreting in which the speaker makes a statement which generally lasts up to a few minutes, while the interpreter takes notes, and when the speaker stops, the interpreter reformulates the statement and produces it in the target language' (Gile 2004:120). This definition indicates that interpreting is a process, as it explains what happens during interpreting and what action follows which one.

It also explains the meaning of consecutive, which is indicated by the interpreter speaking after the original SL speaker. The researcher is of the view that interpreting a complete sentence helps in keeping up with the subject under discussion, rather than stopping the speaker in the middle of the sentence, which may lead to some misunderstandings. In instances where the speaker is stopped in the middle of a sentence, the speaker potentially loses what he or she intended putting across.

The researcher has experienced that when the speaker is stopped in the middle of the sentence and after the interpreter has interpreted a part of the sentence, instead of completing the first sentence the speaker starts a new sentence and leaves the first one uncompleted. It is for this reason that the researcher argues that the interpreter must interpret a complete sentence or a complete utterance. The above argument is suited for the consecutive mode of interpreting, as the interpreter has enough opportunity to listen, formulate and produce the target utterance, with little chance of misinterpretation.

De Jongh (1992:38) observes that the consecutive mode of interpreting is preferred in legal settings, where a higher degree of accuracy is required. In South Africa, this mode of interpreting is favoured in all court proceedings and this is the type of interpreting that will be observed by the researcher to gain a deeper understanding of the process involved. There are two forms of consecutive interpreting, namely short and long consecutive interpreting (Herbert 1978:5). Both forms call for the interpreter to be trained, as the interpreter in both these types of interpreting is required to perform the interpreting task in real time (Kriston 2012:80). Court interpreters have to be knowledgeable regarding both these forms of interpreting as they are often used during court proceedings. These forms are discussed in the following sub-sections.

#### **(i) Long consecutive interpreting**

Long consecutive interpreting is carried out in instances where the speaker has to offer explanations or describe certain aspects. As such, long consecutive interpreting consists of longer sentences, where the interpreter is assisted by a note-taking technique in rendering the TL utterance. In interpreting of this type, the interpreter stores the information he or she hears from the SL utterance and works back to it by reformulating and conveying it into the TL.

Long consecutive interpreting can be challenging where the speaker utters very lengthy sentences without any pauses. To carry out this form of consecutive interpreting, the interpreter should have a good memory, and knowledge of languages alone does not suffice (Pöchhacker 2012:295).

## **(ii) Short consecutive interpreting**

Short consecutive interpreting, also referred to as sentence-by-sentence interpreting, is interpreting where short sentences are interpreted, such as in question and answer sessions during court proceedings. In this form of interpreting, the interpreter is able to retain and recall the information for a brief period of time. However, this does not mean that short consecutive interpreting is a simple task, as every type of interpreting involves some sort of memory effort (Gile 1995:160). Kriston (2012:80) emphasises that short-term memory is extremely important in an interpreter's task, as he or she has to quickly convey the message from the SL into the TL. Short consecutive interpreting is extremely useful to interpreters and they have to learn how to take more advantage of it (Kriston 2012:80).

### **2.13.3 Sight translation or sight interpreting**

Sampaio (2014:121) defines sight translation as 'the oral rendition of a written text at first sight'. In this mode, the interpreter reads from the ST, whilst simultaneously interpreting the content into the TL. Although the sight-interpreting mode may appear to be similar to the simultaneous interpreting mode, the two modes are different. In the sight-interpreting mode, the interpreter reads a written text and interprets it simultaneously (Agrifoglio 2004:43). Gile (1997:203) notes that in sight interpreting, the speed of delivery of the TL utterance is not dependent on the SL speaker, as it is in the case of simultaneous interpreting. Still, Mead (2002:74) observes that in sight interpreting, the interpreter will under normal circumstances be intent on producing a smooth delivery.

The latter observations have caused Dragsted and Hansen (2009:590) to regard sight interpreting as closer to interpreting than to written translation, because the output is oral, and the oral modality carries an expectation of a speedy delivery. Another difference between sight and simultaneous interpreting is that in simultaneous interpreting oral messages disappear once they are uttered.

In sight interpreting, on the other hand, the ST remains visually accessible to the interpreter (Agrifoglio 2004:44; Gile 1997:203-204). This means that there is no memory effort of the kind involved in the traditional modes of simultaneous and consecutive interpreting.

In South African courts, this mode is utilised by court interpreters when reading out the charge sheet to accused persons. Other such instances include reading exhibit documents such as medical certificates to either the accused or the witness. Knowledge and mastery of the practice of sight interpreting is crucial in such instances. Court interpreters must therefore be trained in this area as well.

As mentioned earlier, court interpreters should behave professionally in court. Professionalism deals with issues relating to norms and standards of practice that court interpreters have to follow when performing their daily task. These aspects are discussed below.

## **2.14 Norms in court interpreting**

Norms and standards of practice are deliberated on by many scholars such as Toury (1995:14) and Schäffner (1998:1), among others, who discuss these features in the broadest sense of translation, which also encompass interpreting. For example, Toury (1995:14) defines norms as:

the translation of general values or ideas shared by a community as to what is right and wrong, adequate and inadequate, into performance instructions appropriate for and applicable to particular situations.

These scholars are of the view that norms and standards of practice are created to regulate and guide the profession. The importance of norms is that they function like rules (Hermans 1991), and also as various types of socio-cultural constraints on human behaviour (Meylaerts 2008:96). In an investigation of norms in court interpreting, Angermeyer (2009:3) states that court interpreters are found to vary between using the first and the third person to represent the voice of a translated (interpreted) source speaker. In this way, their manner of interpreting vary between adherence to explicit institutional norms that require the first person and accommodation of non-professional interpreting practices that favour the use of reported speech.

As can be seen from Angermeyer's study, some court interpreters adhere to the norm of using the first person, and others to that of the third person, when interpreting the speakers' utterances. It is the researcher's view that there should be a uniform norm that must be set for court interpreters and be applied by all court interpreters. This study regards norms as the criteria according to which actual instances of interpreting are evaluated as acceptable or unacceptable.

Malmkjaer (2008:50) explains that adherence to or deviation from any prescribed norms could incur approval or sanction of various kinds, including positive or negative criticism. In her discussion of how norms operate in court interpreting Mikkelsen (2008:1) declares that most of the norms governing court interpreters in different countries emphasise the requirement that messages be interpreted faithfully and completely. In his study, Lebesse (2014:184) also regards norms as the criteria according to which instances of interpreting are evaluated as acceptable or unacceptable in terms of the expectation regarding the relation between the source and the TL language. The following section offers a discussion on standards of practice in court interpreting.

## **2.15 Standards of practice in court interpreting in South Africa**

Standards of practice as defined by Meulenberg *et al.* (2004:333) are a set of professional guidelines that are grounded in a code of ethics, which encompass related values and principles, and are often used to identify qualifications, specify expectations and evaluate the execution of required skills within a given profession such as court interpreting. This view precedes that of Lipkin (2008:96) who states that norms provide interpreters with some sort of framework within which to function. However, with regard to the situation in South Africa, Lebesse (2014:183) observes that there are no norms and standards of practice governing court interpreters in this jurisdiction; as a result, court interpreters may be seen to be working according to their own personal preferences, with each creating and abiding by his or her own norms and standards of practice. This situation might lead to poor interpreting practices and may negatively affect the practice of court interpreting in South Africa. Since court interpreting is regarded by many countries as a profession, and it is also a process of interaction that takes place between individuals, as such Lebesse (2014:186) argues that court interpreting in South Africa must be regulated by norms and standards to guide court interpreters in their work.

## 2.16 Overview of the role of court interpreters

This section provides an overview of the role of court interpreters, by looking at what aspects have been considered in the formulation and definition of this role. This section is important to the current study because it lays a foundation for the discussions which were held with interpreters on their role in the courts of law.

The question of the role of court interpreters has been discussed and described differently by different scholars throughout the history of interpreting. Most importantly, and to reiterate, this role has been prescribed by legal officers, namely the judges and magistrates before whom court interpreters carry out their interpreting task; these people hold different views and opinions of what the role of court interpreters is supposed to be. These have resulted in ambiguities, misguided perceptions, and conflicting statements regarding the exact role of court interpreters.

In other countries, the role of court interpreters was first prescribed by judges of high courts (Lee 2009:37). According to Morris (1999:8), American judges demarcated various roles for court interpreters in the following case law: In the case of *People v Resendes* 210 Cal Rptr 609 (1985), the judge delineated the role of the court interpreter as a court reporter. In the case of *Gaio v R* [1960] 104 CLR 419, the judge allocated the court interpreter different roles: The first role was that of a mouthpiece (para 429). The second one was a bilingual transmitter (para 430). The third, a translation machine (para 431), and the last one, a means of communication (para 432). In respect of the roles of court interpreters prescribed above, Morris (1999:8) observes that the metaphors with which the court interpreter is compared indicate that judges equate interpreters with unobtrusive devices or channels, which are straightforward technical adjuncts. This equates fittingly with the earliest perception of the interpreter's role in the history of interpreting as that of a mechanistic concept (Pöchhacker 2010:147). However, the manner in which the interpreter's role is particularised depersonalises the individuals performing the language-mediation activities and denies them any personal input or interactive role (Morris 1999:9). An example of the above is found in instances where the speaker uses culture-specific concepts which need to be explained to the listener for clarification purposes so that communication can run smoothly.

To date, there is no literature available indicating that judges who assigned court interpreter roles were knowledgeable on issues pertaining to court interpreting, enabling them to define the said role. Du Plessis (1997:2) warns that interpreting is a complex phenomenon, of which the intricacies have to be understood if one wishes to discuss it without misunderstandings arising.

If indeed these judges are found not to possess knowledge of interpreting issues, the chances are great that the roles they prescribe to court interpreters are likely to contain shortcomings as to what interpreting entails. Issues such as whether to interpret in the first, second or third person; asking for clarification or not; using word-for-word interpreting; and the type of interpreting mode to be used need to be taken into consideration as well. These aspects are dealt with later in this literature review.

As mentioned above, earlier views on the role of interpreters show that they were perceived as mere machines that were passively rendering utterances from one language into another. Equating interpreting with a mechanical operation clearly demonstrates the tendency to downplay the importance and exigency of the interpreter's role (Reischlová 2012:26). It may be argued that one faulty interpreted utterance during court proceedings, for example, could have far-reaching consequences for those who depend entirely on the court interpreter for communication with other courtroom participants.

Another myth surrounding the role of the interpreter is that of invisibility. Under this myth, interpreters were often referred to as the 'missing link' (Roland 1999:7), and their role in interpreter-mediated events was likened to that of a 'ghost'. Interpreter invisibility simply means that the interpreter has to interpret the words of the speaker, irrespective of their word order and whether such utterance adheres to the linguistic structure of that language or not. Invisibility means that the interpreter's own personal voice is not supposed to be heard; instead, their task is to be neutral and to produce the target utterance. Angelleli (2004:21) criticises this invisible or neutrality myth, which she calls a paradox. She is of the view that interpreters are active and powerful participants in interpreted events, affecting their outcomes, and they cannot be required to remain neutral. Angelleli (2004:22-23) suggests dispelling the invisibility myth by starting to acknowledge that interpreting is socially situated.

Her line of argument is that interpreting is a communicative event, and as such, the interpreter cannot be neutral but has to make the communication effective between speakers of different languages. This can only be achieved when the interpreter orchestrates language, culture and social factors in an interpreted communicative event.

Overall, Ekvall (in Pöchhacker and Shlesinger 2002:211) notes that the interpreter's role is always partially defined, as the role prescriptions are objectively inadequate. Ekvall *supra* notes that the interpreter's position is also characterised by role overload, and that it is entirely not clear what s/he is to do, but s/he is frequently expected to do more than is objectively possible. The above stated position of interpreters is similar to that of court interpreters in South Africa. Lebesse (2011; 2013) notes that in South Africa, court interpreters are instructed to explain the rights of accused persons directly to them, and are thus made to perform the duty of a magistrate which falls outside the ambit of interpreting. This type of role ambiguity is a problem of inconsistency within a single role as the precise role is unclear (Anderson in Pöchhacker & Shlesinger 2002:213). Roy (1993:349-351) attempts to clarify the role of interpreters by identifying four main existing categories as follows:

1. interpreter as helper;
2. interpreter as man-in-the-middle (conduit role);
3. interpreter as communication facilitator; and
4. interpreter as bilingual-bicultural specialist.

These categories mentioned above will be discussed in the section dealing with models of interpreting, since the model informs what the role should be. The next section provides brief notes on the role of interpreters in the South African court system.

## **2.17 The role of court interpreters in South Africa**

As pointed out by Du Plessis (1997:1) above, court interpreting in South Africa is far from being professionalised. The issue of the role of court interpreters in South Africa has been discussed extensively by Moeketsi (1999b) and Lebesse (2011; 2013).



Both these scholars established that the role of court interpreters in South Africa is not clearly defined, and as a result, such interpreters are found to be omitting, adding to, and even altering the evidence of the speakers. Specifically, Lebesse (2014:185) reports that court interpreters may be seen to be interpreting according to their own preferences due to the lack of a clearly defined role. Lebesse's studies (2011; 2013) further found that not only do they do the above, but they also perform duties that go beyond the scope of interpreting.

The fact that their role is not clearly defined makes them fall prey to misinterpreting, which, as intimated, may have dire consequences for the people they interpret for. Unfortunately, to date, this position remains the same, as will be shown later in the study.

## **2.18 Position, training and recruitment criteria of court interpreters in South Africa**

This section first examines the position of court interpreters in South Africa, where after it considers how they are recruited, as well as their training.

### **2.19 Position of court interpreters**

Court interpreting, as the name suggests, is carried out in the South African courts of law, namely magistrates' courts, also referred to as district or lower courts. These courts hear criminal and civil cases. There is also a higher court that is housed at the magistrates' court and is referred to as the regional court. This court is given more jurisdiction than that of the lower courts. In other words, this court can hear cases in which the sentence exceeds the one that falls under the jurisdiction of the magistrates' courts. The Supreme Court of Appeal (SCA) and Constitutional Court (Concourt), also make use of court interpreters' services. All these courts of law make use of the services of court interpreting on a daily basis.

During the apartheid era in South Africa, the practice of court interpreting was done casually, with no requirements for any formal educational qualifications. The only prerequisite sought was knowledge of the working languages in which an individual could perform the interpreting task. However, in the late 1990's, along with the country's new political dispensation, this situation changed.

The Interim Constitution of the Republic of South Africa 200 of 1993 declared eleven of the country's languages as official ones. As a result, a need for translation and interpreting services arose in many sectors of government and also in the private sector, in order to communicate with the members of the majority population who are not literate in English.

As a result of this need, it was noted that it was necessary to train interpreters and translators in order to perform their task professionally. More and more tertiary institutions started showing an interest in becoming involved in interpreter training (Lotriet 1997b:61).

But still, the situation on the ground shows that most interpreters are not trained; the question is: why? This question is answered in the next section that discusses the training of interpreters in South Africa.

## **2.20 The training of court interpreters in South Africa**

Beukes (2004:1-2) points out that the training of translators and interpreters in many countries has always been somewhat of a controversial issue, and South Africa is no exception. The contention is based on the misconception held by some, that interpreting is simply a skill that is acquired mainly by repeated practice under supervision. These individuals often advocate a non-theoretical approach, arguing that a practical interpreter is far better than a theoretical one. These controversies contribute to the current state of affairs of interpreting in South Africa, namely the lack of status and recognition this profession deserves.

The concern regarding the question of training of court interpreters in South Africa has been raised by scholars, among others Moeketsi (1999b), who observes that the poor performance of court interpreters is a direct result of a lack of proper training. This is proven by the fact, mentioned earlier, that court interpreters in South Africa only receive six weeks of in-house training at the Justice College offered by court interpreter inspectors (Moeketsi & Wallmach 2005:79). As previously stated, this training has been ridiculed as 'spaza' training by court interpreters, in other words, is regarded as insignificant and superficial (Moeketsi & Wallmach 2005:77).

The authors further observe that the inefficiency of this training can be attributed partly to its brevity, and partly to the lack of insight into the interpreting process which led to interpreting being misunderstood as a mere process of linguistic transfer from one language to another (Moeketsi & Wallmach 2005:77).

In response to the need for proper training of court interpreters, some universities in South Africa began offering qualifications on the training of court interpreters but most of these courses were discontinued, as will be shown later, due to the duration of the training. This is an important aspect, as the training of court interpreters does not only rest on teaching them language (Lotriet 1997a:52); they also need to understand how language works when it has to be communicated into the other language, and this demands certain skills.

This will involve, among others, the teaching of aspects of communication, communication and culture, language and culture, and language and law. With regard to the training offered by tertiary institutions, the DoJCD supported the training of court interpreters by offering a bursary for those who wanted to study for a qualification in court interpreting. The North-West University (formerly known as Potchefstroom University for Christiaan Higher Education or PU for CHE) in 1998 started offering a three-year diploma in court interpreting called a 'University Diploma in Legal Interpreting'. However, this diploma was discontinued in 2006. Other universities such as the University of the Witwatersrand (Wits) and the University of the Free State followed suit and also offered a diploma in legal interpreting. The challenge with the former institution is that it does not offer part-time programmes, and if court interpreters were to study through the institution, they would have to attend full-time classes. The rationale behind introducing court interpreting at a diploma level was due to the fact that these institutions believed that interpreting was a vocational subject, requiring only the learning of certain specific skills, and that it should be taught in community or technical colleges, and not at degree level in a university context (Moeketsi & Wallmach 2005:80). These researchers add that one other factor which prompted these universities to introduce a diploma was due to the practising court interpreters' lack of the necessary qualifications to gain access to degree studies.

In 1999, after embarking on research in respect of teaching court interpreting at university level, the University of South Africa (Unisa) found that practical linguistics, interpreting skills, as well as aspects of linguistic and interpreting theory, law, psychology, sociology, communication and criminology, also need to be taught (Moeketsi & Wallmach 2005:80). These subjects were found to be available in a university context. As a result, Unisa introduced a BA degree in court interpreting. In 2009, however, Unisa discontinued this programme, as a result of lack of interest from court interpreters to register for and study it. Three years after its introduction, North-West University also discontinued its University Diploma in Legal Interpreting. Although other institutions like Wits and the University of the Free State continue to offer programmes for the training of court interpreters, the discontinuation of programs by North-West University and Unisa was an opportunity lost for court interpreters.

Moreover, Unisa, with its part-time offerings, presented an excellent opportunity for court interpreters to study whilst working. This opportunity could have further offered them a chance of learning theory and applying it in their daily practical work but other factors were at play. Presently, Unisa offers interpreting at Honours level but the programme rarely has any takers.

Currently, the Department of Arts and Culture (DAC) has signed a memorandum of understanding with Unisa to offer bursaries for generic translation and interpreting programmes offered by Unisa at undergraduate and postgraduate levels. Since Unisa Honours provides the option of translation or interpreting, court interpreters will also benefit from the bursary if they want to further their studies. The DoJCD is also supporting the training of court interpreters through bursary funding, and the contract for training court interpreters was awarded to the University of the Free State, which started a pilot programme registered as a learnership under the qualification National Diploma: Legal Interpreting NQF 5 for court interpreters.

Lotriet (1997a:51) observes that the challenge facing the institutions of higher learning in the training of court interpreters is the immediate need for this training. That is, interpreters need short and precise courses because of the demanding nature of their jobs.

Furthermore, court interpreters cannot leave their posts unattended to receive training, as this would mean that they have to be replaced by those who are not trained as thoroughly, and doing so would be overturning the very situation that needs improvement. In this regard, short training courses such as workshops could be helpful in this instance. These courses could be offered from an introductory to an advanced stage and might be very useful in the training of court interpreters (see Lebesse 2015). Lotriet (1997a:54) is also of the view that it is essential that lecturers, who train court interpreters in the subject of interpreting practice, should be interpreters themselves so that they can easily marry theory and practice. Since the researcher in this study was also a practising court interpreter, he supports the view of Lotriet, based on studies the former has published in the field of court interpreting. The researcher was able to do so as a result of his experience in the courtroom.

The fact that many universities continue to discontinue training programmes proves that many practising interpreters remain untrained or partially trained, and this has had negative consequences for the court interpreting profession.

Situations such as the Mandela memorial debacle where the official sign-language interpreter kept throwing his hands in the air will continue to haunt the country (see, for example, Laing 2013). Interpreting is important because it affects how people receive and perceive information. This is even more the situation in the courts of law where it might influence the outcome of a court case. Innovative ways of training court interpreters should be found so that they can offer professional communication services. The next section focuses on the recruitment requirements for court interpreters. The criteria used to employ court interpreters set the standard for the kind of interpreters who are practising in the country; it is these interpreters who were interviewed and observed to understand the process of interpreting in the country.

## **2.21 Recruitment, employment, and legislation of court interpreters**

Court interpreters in South Africa are recruited by the DoJCD by way of advertised posts, and are employed by this Department, in accordance with a document called 'Personnel Administration Standards for Court Interpreters (HOTLK 97)', also known as 'PAS'. For purposes of this study, this document shall be referred to as PAS.

The PAS came into effect on 10 June 1994, and is used as a benchmark for regulating employment, post classification, educational qualifications, promotions and salaries of court interpreters in the DoJCD. In terms of the PAS, the qualification requirement for a court interpreter is Matric or Grade 12, and the language requirements are knowledge of two or more languages used in the district for which the post is advertised. The following are the duties of the court interpreter as stated in the PAS:

- to do interpretation work;
- do elementary work when the court is not in session;
- keep court records up to date; and
- to clean recording equipment.

Although the PAS places the responsibility on the employer to oversee issues dealing with court interpreting, the DoJCD has not dealt with these issues. It simply states that the duty of the interpreter is to do interpretation work, and no guidance is offered to court interpreters in respect of issues pertaining to the fundamentals of court interpreting.

Considering that the people who are hired are matriculants with no prior experience in interpreting, there are bound to be problems in the execution of their duties.

The criteria furthermore set bilingualism as a standard for interpreting, which also has the capacity to create problems during the execution of such duties. As stated previously, interpreting goes beyond the ability to speak two languages and evidently there is a need to elevate the way interpreting is perceived in the country. Additionally, the PAS does not mention the type and mode of interpreting to be used; nor does it provide the definition of the phenomenon of interpreting, which could have offered some clarity as regards the process of interpreting and guided interpreters in their task. The next section investigates the South African legislation dealing with court interpreting. The legislation is important because it directs the practices of interpreting in the country.

## **2.22 South African legislation dealing with court interpreting issues**

Issues pertaining to court interpreting in South Africa are dealt with in two pieces of legislation, namely: the Magistrates' Court Act 32 of 1944 (as amended) section 6(2) and rule 68(1), and the Constitution of the Republic of South Africa of 1996. Although these pieces of legislation have been discussed extensively by the researcher in Lebesse (2011; 2013; and 2014), they are discussed here differently to show their reliance and applicability to this present study.

### **2.22.1 The Magistrates' Court Act 32 of 1944 (as amended)**

Section 6(2) of the Magistrates' Court Act 32 of 1944 (as amended) states that:

If in a criminal case, evidence is given in a language with which the accused is not in the opinion of the court sufficiently conversant, a competent interpreter shall be called by the court in order to translate such evidence into a language with which the accused professes or appears to the court to be sufficiently conversant, irrespective of whether the language in which the evidence is given is one of the official languages or of whether the representative of the accused is conversant with the language used in the evidence or not.

This particular piece of legislation mandates that the court, in other words, the presiding officer who might be the judge or the magistrate depending on who is presiding over the matter, must appoint an interpreter.

Because of this legal clause, court interpreting is in high demand in South Africa and there is more demand than supply as regards skilled interpreters.

- **The 'competency' requirement in the Magistrates' Court Act**

The Magistrates' Court Act 32 of 1944 (as amended) does not mandate the court to appoint just any interpreter, but only an interpreter who is 'competent'. The term 'competency' implies skilled, knowledgeable and professional individuals; simply, someone who knows what they are doing. However, contrary to this legal stipulation, the courts hire unskilled and incompetent people who are given six weeks training and pushed into the deep end.

Scholars such as Steytler (1993:221), Beukes (2004:2), Du Plessis (1997:8) and Moeketsi (1999b:135-136), amongst others, have lamented that South African court interpreters lack proper training. According to these scholars, this is evident from the poor performance of some court interpreters. Certain aspects of their arguments point to the meagre content of the training material. This current situation also prevails because there is no legal body that oversees the hiring and practice of interpreters in the country. The selection and appointment of court interpreters are left to the court's discretion in the absence of guidelines on what is meant by the term 'competent', since such judges hire and fire as they see fit. This Act also mandates judicial officers to decide upon the linguistic competency of a court interpreter who must appear before them. The judicial officers themselves, by implication, seem to accept this mandate even though they are not trained linguists. This practice may impact negatively on the accused's right to a fair trial as contemplated in section 35 (3) (k) of the Constitution of South Africa 1996.

The dilemma delineated above has also been a concern for scholars such as Frankenthaler (1980:53) who declares that judicial officers are not necessarily trained linguists and that it is unfair to ask them to be such. Mikkelsen (2016:18) concurs that judges are experts in law, not in language or in interpreting competence. Based on Mikkelsen's argument above, this study argues that there is a possibility of judicial officers making wrong choices in the appointment of court interpreters. Mikkelsen (2017:3) further highlights the difficulty of allowing judges to appoint competent interpreters and says what constitutes 'competent interpreting' in the legal sphere is not a simple question. Mikkelsen's view is also found in recent writings on interpreting theory, which indicate that any sort of interpreting is a far more involved process than merely transferring words from a SL to a TL.

Mikkelsen notes that even the linguistic aspect of the task of interpreting alone is a complicated process that involves decoding, abstracting, and encoding, where the cultural and social aspects of communication must be considered (2017:3). Pöchhacker and Shlesinger (2002:3) and Morris (1995b:27), who view interpreting as communication, believe that a person who has no training in communication cannot be made an expert on communication issues. This study argues that there is more to interpreting competency; thus, the hiring of interpreters should be left to qualified and skilled practitioners.



The complexity of the term 'competence' is explained by social psychologists such as Pearce and Cronen (1980:187) who view 'competence' as a relationship between the individual and a particular interpersonal system, both of which are considered holistic entities. That is, competence cannot be described as a set of traits possessed by the individual in isolation from the context of particular systems. It is relational, depending on both the characteristics of the person and the situation. Barge (2014:144) adds that the concept of competence is a relational accomplishment that is negotiated through the way that individuals coordinate their meaning and actions with others. Competence also focuses on the ability of individuals to make wise choices regarding what patterns of communication are most useful in certain situations, to invite and sustain these, and when it is or may be helpful to change the pattern (Barge 2014:144). The definition of competence as provided by Barge and Little (2008:510) demonstrates how intricate the question of communication competence is. Furthermore, they state that competence is typically conceptualised as a normative phenomenon tied to rule-governed forms of interaction that depend on individuals using hierarchically ordered, rule-based knowledge in the form of cognitive scripts or plans to construct their conversations. That being the case, how is it possible for a layperson to judge the competence of someone in a specialised field?

To further this argument of judges hiring competent interpreters, Morreale *et al.* (2007) explain that knowledge of context, language, skills in using language, motivation and even attitudes towards using a particular language, play crucial roles in competent communication. The question is; do judges consider all these aspects when hiring interpreters? In their study, Spitzberg and Cupach (1984) state that communication competence comprises certain interdependent dimensions:

- motivation, which they also refer to as an individual's approach or avoidance orientation in communication in various social situations;
- knowledge that guides the individual about what to say and do;
- content knowledge that refers to the individual's understanding of topic, words and meanings in a particular situation; and
- skills that refer to the individual's ability to discuss, ask questions and respond to questions.

From the above, competency in communication is viewed as a very intricate phenomenon. Therefore, for court interpreters to be able to perform according to the dimensions of communication competence, there is a need for them to undergo intensive training. Since some scholars view interpreting as communication, communication competency should, therefore, become a vital element in the training of court interpreters.

- **The ‘competency’ requirements in case law**

Although the legislative mandate given to legal officers to hire interpreters based on competence has been criticised by many scholars, this is the current reality and legal officers continue to execute their duties to this effect. A discussion follows, of how some legal practitioners perceive interpreter competency as exhibited in case law.

In the case of *S v Abrahams* 1997 (2) SACR 47 (C) 49, the judge defined an interpreter who is not ‘competent’ as one who does not appear to understand the language spoken by the accused person, and thus cannot provide the service of interpreting. According to this official, competence is the ability to speak two languages, which is a layperson’s definition of interpreting. Without doubt, the ability to speak two languages is the foundation of interpreting, but competency has to do with more than the ability to speak two languages. The judge’s viewpoint is in line with the above legislation’s hiring criterion and points to an urgent need for a broader understanding of what interpreter competency necessitates in courts of law.

In the case of *S v Ndala* 1996 (2) SACR 218 (C) 218, the judge defines a competent interpreter as ‘an interpreter who must be able to provide a true and correct interpretation of evidence’.

In the case above, the judge remarked that such interpretation must be effective as it is implicitly guaranteed by section 25 (3) (i) of the Interim Constitution, which according to the current Constitution is section 35 (3) (k). This section relates to arrested, detained, and accused persons and states that:

Every accused person has a right to a fair trial, which includes the right to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language.

This provision is discussed later in detail in this chapter. From this judge's assertion, accuracy is deemed as a variable of competence, which is commendable, but the hiring requirements contradict this claim because an untrained bilingual person cannot be expected to render information accurately when they do not have the required skills. There is need to align training, hiring and practice in the South African court system. Bajčić (2015:229) notes that competency in the legal context refers to both knowledge and skills, which are a combination of the aptitudes, knowledge, behaviour, and the knowledge that is necessary to carry out a given task. That being the case, court interpreting's key competencies must be anchored on theoretical grounds that will facilitate the development of practical skills (Bajčić 2015:229). This line of argument supports an earlier view by Edwards (1995:4) in that competent interpreting requires a solid liberal arts foundation, and that this foundation can be acquired by studying at a university. This has also been the opinion of Benmann (1992:447) who argued that interpreter training should be based on some branch of higher learning which presents a theoretical and scientific basis as the underpinning of the skills demonstrated.

- **The role of a court interpreter as stipulated by the Magistrates' Court Act**

Section 6(2) of the Magistrates' Court Act 32 of 1944 (as amended) addresses the issue of the right to language in respect of accused persons during court proceedings, and this places the court interpreter at the centre of attention. This is so because the interpreter is required to render interpreting services in order to address linguistic and cultural differences among courtroom participants during the court proceedings. In doing so, court interpreters need to understand what is expected of them in order to carry out the task of interpreting.

In other words, the legislation has to define the court interpreter's role, so that they must know what they do when interpreting. Unfortunately, the Act views the role of an interpreter as that of translating, as shown on page 72, which states that an interpreter should translate the evidence into a language that the accused understands.

The wording in the legislation under discussion does not differentiate between the two terms of 'interpret' and 'translate', and the two terms are used interchangeably as though they mean the same thing whilst they are different.

In differentiating between these two terms, Benmann (1992:445) notes that while both these activities share the common goal of transferring a message between two different languages, 'translation' refers to the linguistic transfer of a message from one written text to another, while 'interpretation' or 'interpreting' refers to oral discourse and the unrehearsed transfer of a spoken message from one language into another. The processes involved in the two acts are different and, as illustrated above, interpreting goes beyond the oral transfer of information into another language. There is a need to distinguish between the two concepts as this lack of clarity is likely to confuse court interpreters – all the more so untrained interpreters - in South Africa. They may end up following the dynamics of document or written translation during their task of interpreting. In a nutshell, the Magistrates' Court Act lacks clear guidance on the role of court interpreters. This leaves a wide chasm for legal officers to define the roles of interpreters as they please, which may have a negative impact on the outcome of the case and affect the accused's right to a fair trial.

Based on these aspects, this study argues that legislation should not mandate judges and magistrates to use their own discretion in appointing court interpreters in the cases before them. They may not be able to ascertain the court interpreter's competency, as they are not knowledgeable about issues pertaining to court interpreting. The appointment of court interpreters is to be left to those individuals who are trained and knowledgeable about court interpreting issues. In the following section, Rule 68(1) of the Magistrates' Court Act 44 of 1944 (as amended) is examined in order to examine whether this rule dealing with the oath taken by court interpreters addresses this quandary.

- **Rule 68(1) of the Magistrates' Court Act**

Rule 68(1) of the Magistrates' Court Act 32 of 1944 (as amended) deals with the oath of court interpreters as follows:

**RULE 68(1)**

**OATH OF OFFICE OF INTERPRETERS**

"I .....

(full name)

do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an interpreter in any Magistrate's Court, I shall truly and correctly to the best of my ability interpret from the language I may be called upon to interpret, into either of the official languages and vice versa".

The oath states that the interpreter swears: '*... to perform the functions of an interpreter...*' but the legislation does not state where these functions are stipulated, and what exactly these functions are. This contradicts section 6(2) of the Magistrates' Court Act, which suggests that there is only one task which the court interpreter is expected to perform, and that is 'to translate'.

The above state of affairs poses a challenge for court interpreters since they will not know where to look for these functions in order to familiarise themselves with them. One other challenge is the use of the term 'functions', which is in the plural form. When one reads this, it suggests that court interpreters are involved in more than one function. The second part of this rule states '*...I shall truly and correctly to the best of my ability interpret from the language I may be called upon to interpret, into either of the official languages and vice versa*'. Taking a closer look at this excerpt, there is only one function that court interpreters swear that they shall perform, and that is that they shall '*...truly and correctly ... interpret ...*' This is in contrast with the first part of the provision where the term 'functions' is used.

Although the oath states that the interpreter shall interpret from one language to the other, it does not define the term 'interpret'.

It seems that this legislation assumes that court interpreters know what the term 'interpret' means.

What the legislation fails to recognise is that research studies have shown that different individuals have sought to define 'interpreting' in different ways (Roy 1993:127), and to date there is still no consensus among interpreting and scholars of court interpreting as to what the term 'interpret' actually denotes. If the term 'interpret' was defined in the legislation under discussion, it would serve as a guide to court interpreters in that they would have a theoretical background of the interpreting phenomenon. Roy (1993:128) is of the view that one will only understand the phenomenon of interpreting through grasping the meaning of the definitions, metaphors, and metaphorical descriptions used to define it. These would give court interpreters an overview of the process involved in interpreting, and upon which they could build a clear framework of interpreting.

Another aspect that also needs attention concerning this specific legislation is that, although it mentions that the court interpreter shall interpret, it does not indicate the type or mode of interpreting to be used by court interpreters. The importance of this aspect in interpreting is that different settings require different types and modes of interpreting. The lack of clarity in this respect will not only confuse but will also frustrate new court interpreters, since they will not know which type or mode of interpreting to use during interpreting. The shortcomings indicated in the discussion of this piece of legislation point to the fact that court interpreters lack clear guidance from legislation in relation to their task of interpreting. Again it should be noted that this situation may have a negative impact on the accused persons, who depend entirely on court interpreters for communicating with other courtroom participants. It will also affect their right to a fair trial, as contemplated in various other legislation.

The following is an example of problems that arise in the courts of law with the swearing in of court interpreters. In a case between *Siyotula v State* Case CA 247/2001, which was held in the High Court of South Africa in the Eastern Cape Division, Judge Jones held that the evidence given by witnesses and interpreted by a court interpreter who was not appointed as an official interpreter, and who had not taken the prescribed oath for casual interpreters, was inadmissible. Judge Jones referred to the matter of *State v Sibeko* SECLD Case No CC26/98 (unreported). In this case, the judge discovered during the course of the trial that an unsworn interpreter had interpreted the evidence of a state witness who testified in isiZulu.

Consequently, it meant that the unsworn interpreter had administered the oath to this particular witness. In this particular case, Judge Kroon ruled that since an unsworn interpreter had interpreted the evidence of the state witness, such evidence was inadmissible; the case was removed from the court roll. The judge further ruled that the evidence of the witness should recommence *de novo* through either an official interpreter or an *ad hoc* interpreter who was specifically sworn and competent for the purpose of the trial. The judge added that a sworn interpreter must also be 'competent'. This case proves that interpreters are important in the execution of law and that they should be competent. It is rather unfortunate that the judge is the person who passes judgment on this competence. Against the above background, this case raises the following questions:

1. If a sworn interpreter who is found to be incompetent had interpreted the evidence, would such evidence still be admissible?
2. Is an unsworn interpreter automatically deemed incompetent?

The judge did not address these two crucial issues in the case, and it is not clear why this was not done. Neither the defence counsel representing the accused person nor the court interpreter raised these two queries but it is again evident that judges preside over linguistic issues, which are not their professional domain.

In the next section the Constitution of South Africa and its definition of interpreting is discussed.

### **2.22.2 The Constitution of the Republic of South Africa, 1996**

Section 35 (3) (k) of the Constitution of the Republic of South Africa, 1996 states that:

Every accused person has a right to a fair trial, which includes the right to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language.

The Constitution provides for the right to be tried in a language that an accused person understands, which forms an integral component of the right to a fair trial. This aspect, although indirectly, has been alluded to in section 6(2) of the Magistrates' Court Act 32 of 1944 (as amended).

It must, however, be borne in mind that the only languages of record in the South African courts of law were English and Afrikaans, and currently, since 29 September 2017, English has been the only official language of court record. This situation, therefore, calls for the services of able individuals to act as interpreters, and to bridge the linguistic and cultural gap between courtroom participants who do not speak or share the same language. The tasks of these individuals will be those of interpreting proceedings from the language used by the court, to that of the accused person, and *vice versa*. But, for a particular court interpreter to be able to perform the task of interpreting, he or she must possess certain skills to perform this task successfully, as identified earlier in this chapter. This aspect is emphasised by Keratsa (2005:1) who notes that court interpreters act in all kinds of legal cases involving people of different age groups, cultural backgrounds, social status and literacy competence. As a result, they need the necessary skills that will enable them to interpret accurately and to bridge the linguistic and cultural gaps between courtroom participants and the judiciary. Among the skills required, they must possess a general knowledge of various cultural elements and an extensive command of vocabulary, which ranges from formal legal to slang, and colloquialism (Keratsa 2005:1). Mikkelsen (2010:6) affirms these requirements and emphasises that, in order to interpret accurately, the starting point of being an ideal court interpreter would be a good command of their working languages, in other words, the languages that they interpret. For court interpreters to acquire the above-mentioned abilities and skills, it is crucial that they undergo intensive training.

In summary, there are a number of legal instruments that make reference to interpreting as a right in the court system, but these documents do not describe or explain the role of an interpreter. Neither do they clearly state what a competent interpreter is. This lack of clarity has resulted in judges taking over the role of hiring interpreters and deciding on their roles. This practice opens room for controversies in the field as judges are not trained and qualified to make such judgements. But still, it cannot be denied that court interpreting is central to the execution of justice; thus, trained and competent interpreters should be hired. The following section focusses on South African research that has been carried out in the field of interpreting.



## **2.23 Court interpreting research in South Africa**

This section discusses present and past research that has been conducted in South Africa in the field of interpreting. The aim is to identify the gaps shown by studies in this research, and how these shortcomings were dealt with. The section further examines the recommendations suggested in these studies. Similar to other countries, court interpreting in South Africa has been, and is still, marred by misconceptions and complexities. This situation impacts negatively on the performance of these court interpreters and this could lead to a miscarriage of justice.

As previously mentioned, the establishment of interpreting as a legal right for every accused person led to the rise of the interpreting practice in South Africa. This saw tertiary institutions taking an intermediary role in attempting to train interpreters so that they could be qualified to execute their duties. The training of interpreters (though limited) has had a cyclical effect, resulting in research being carried out in the field of interpreting - though scanty. Therefore, in the 90s scholars, mostly academics from different higher education institutions, embarked on research into the status of interpreters and translators in the country. In their studies, scholars such as Du Plessis (1997:1) found that the interpreting profession in South Africa was not developed at all in comparison to other countries. Du Plessis notes that there are many misconceptions regarding the skills required for interpreting. He cites two examples of these misunderstandings. The first, already alluded to, is the belief held by many people, not only in South Africa, but world-wide, that if one is bilingual, the person can become an interpreter. In other words, it is believed that a mother-tongue speaker, who has knowledge of another language, can become an interpreter. This misconception does not emanate from the trainers of court interpreters, but from the general public. Claus (1997:1) warns against this misconception and states that, in reality, the demands of courtroom interpreting are particularly complex, and require not just knowledge of two languages, but extensive knowledge and proficiency therein, as well as training in interpreting. This is why some institutions in South Africa, such as Witwatersrand University (Wits), test for an aptitude for interpreting before admitting students into an interpreting course or programme.

Mathey (2017:2) supports the stance of Wits with regard to aptitude testing, by stating that the latter is a stage where an important decision must be made on whether the candidate has the required skills to study interpreting and ultimately become a competent interpreter, or not. It is the contention of this study that knowledge of two languages does not make one an interpreter, as stated previously; instead, the interpreter must have the ability to communicate utterances from one language into the other, whilst taking into account the linguistic features and cultural aspects of that language. Du Plessis corrects the above misconception and states that, apart from knowledge of at least two languages, an interpreter must possess other specialised skills and techniques (1997:1). This statement supports Claus' view in that interpreters, despite having knowledge of two languages, need training as well. The second example of a misconception provided by Claus is one already mentioned: that people cannot distinguish between an interpreter and a translator, and that they use these two terms interchangeably, and refer to the interpreter as the translator. This is a common misconception that is entrenched even in the legal documents of the country. As stated earlier, translation and interpreting are not the same and the processes involved when executing these duties are different.

Lotriet (1997a) conducted research on a training model for court interpreters and considered issues of the duration of their training. As indicated above, she found that such training was faced with several challenges which included immediacy in training, due to the demand for training and professional conduct of court interpreters (1997a:51). One of her findings, judging from experience and supporting literature on interpreter training, was that the minimum period necessary to train an interpreter was six months. As a result, she recommended that a six months' certificate in interpreting be offered by the University of Free State. She concluded that an interpreter needs a far more complex set of skills and abilities than those involved in merely 'knowing' a few languages, and that these must be included in the training. She divides these skills into two categories, namely knowledge and aptitude, as set out below:

1. Knowledge

- having a complete mastery of the TL;
- an in-depth knowledge of the SL; and

- a sound general knowledge and understanding of current affairs.

## 2. Aptitude

- ability to grasp and analyse the essential meaning of what is being said;
- reaction speed and ability to adapt to changing situations and subjects;
- above-average powers of concentration;
- an excellent memory;
- ability to project information with confidence, coupled with a good voice;
- intellectual curiosity; and
- tact and diplomacy (1997a:54).

The listed skills prove beyond doubt that there is more to interpreting than merely speaking two languages. In a second publication, Lotriet (1997b:70) observes that although interpreting is growing at a tremendous rate in South Africa, there are still many bridges to cross due to the ignorance that still prevails regarding interpreting itself and the skills involved. She pointed out that more and more tertiary institutions are showing an interest in becoming involved in interpreter training, but have been hampered by, among others, lack of both finance and physical resources, which include the lack of trained interpreters to train prospective interpreters. As shown above in the section discussing the training of interpreters in South Africa, many universities took up the role of training interpreters but the courses were discontinued due to lack of interest. This is a step backwards for the professionalisation of interpreting.

Moeketsi (1999b) examined the profile of the court interpreters in South Africa, as well as the quality of service they render. With regard to the profile of the court interpreter, the study found that court interpreters had attained the qualification of Matric (Grade 12) in line with the employment requirements set by the DoJCD. In addition to this qualification, court interpreters were receiving a meagre in-house training of six weeks from the DoJCD, provided by untrained personnel; this is still the case today. The study further found that court interpreters did not even have access to reference books such as dictionaries or relevant legal glossaries.

Although South Africa recognises eleven indigenous official languages, with each having several dialects (depicting the country's linguistic and cultural diversity), there are court interpreters who are able to speak these eleven languages with enough fluency. However, the challenge experienced by court interpreters is that they are not knowledgeable about the language dialects, as well as their culture. They must therefore be competent in the language as well as the dialects in order to interpret accurately. The study recommends that court interpreters receive training that will equip them with insights into the nuances of languages, mediation, and also skills that are required for interpreting. Moeketsi (2000) revealed that instances of inaccuracies, lack of proficiency and general incompetence pervade the service offered by courts. Some instances of inaccuracies observed were that court interpreters added information that was not present in the SL speaker's utterance. Other inaccuracies included instances where the court interpreter purified the foul language used by the speaker. Wallmach and Kruger (2000:145) warn against such practices by court interpreters and states that the interpreter should not omit, add or modify the source utterances, however ludicrous these may sound. Moeketsi also observes that all of the above instances occurred as a result of the misunderstanding of the role of the court interpreter by the practitioners themselves, the other court personnel, as well as accused persons and witnesses; and these issues led to inefficient service as regards court interpreting (2000: 222). As a result, her study introduced various do's and don'ts in court interpreting by examining inconsistencies, irregularities and many other court interpreter's mistakes. In this study, Moeketsi (2000:236) recommended that such interpreters should:

- provide professional service, and be guided by ethical standards;
- maintain high levels of competence by increasing their knowledge of their working languages, at both the standard and non-standard levels; and
- improve their interpreting skills, as well as their knowledge of the law and court procedure.

Moeketsi and Wallmach (2005:83) proposed introducing a BA Degree in Court Interpreting for the proper training of these court interpreters. They suggested that the training be presented from an interdisciplinary approach, and thus combined subjects from the College of Human Sciences as well as the College of Law.

Among these subjects were interpreting and translation modules, which were aimed at teaching language acquisition. The modules were aimed at attaining a certain competence in at least two languages, which could be used as a foundation for court interpreters' existing language skills. The following table is an overview of the proposed BA Degree in Court Interpreting (2005:83):

Level I	Level II	Level III
Principles of Interpreting I	Principles of Interpreting II	Principles of Interpreting III
Court Interpreting I	Court Interpreting II	Court Interpreting III
Multilingualism: The Role of Languages in South Africa	Translation and Editing Techniques	Translation and Editing Practice
A Language (module 1)	A Language (module 2)	A Language (module 3)
B Language (module 1)	B Language (module 2)	B Language (module 3)
C Language (module 1)	C Language (module 2)	C Language (module 3) or D Language (module 2)
Introduction to the Theory of Law I (module 1)	Criminal Procedure (module 1)	Law of Evidence (module 1)
Introduction to the Theory of Law I (module 2)	Criminal Procedure (module 2)	Other law courses
Criminology (module 1)	Criminal Law (module 1)	Court Practice
ELECTIVE MODULE	ELECTIVE MODULE	ELECTIVE MODULE

Two types of assessment were used, namely formative and summative. Formative assessment was utilised in the form of written assignments and oral assignments or portfolio assignments, while summative assessment consisted of written and oral examination or portfolio tasks completed at the end of each semester (Moeketsi & Wallmach 2005:98). The marking system developed was outcomes-based for oral tasks as well as for written and portfolio tasks.

The reason for this choice of marking system was based on the fact that the emphasis was not on marking answers wrong or right, but on assessing students according to the outcomes achieved in completing the assignment. This system allows students to see where their strengths and weaknesses lie and to monitor their progress. As intimated, the BA programme was introduced at Unisa in 2003; however, it was discontinued in 2009 due to lack of interest from court interpreters to register for this qualification.

Moeketsi and Wallmach's (2005:83) action in proposing an interpreting degree was a direct consequence of the failure on the part of the DoJCD to provide clear guidelines in the execution of interpreter duties in South African courts. It was envisaged that this degree would serve as a guideline for court interpreters to understand their role, and also to serve as a professional code for them, since there is no such code of conduct.

Usadolo (2010) examined the use of foreign African language interpreters in South African courtrooms. His study found that in respect of such interpreters, no consideration is given to their qualifications; knowledge of professional ethics in the field of court interpretation; any skills training they may have undergone to work as legal interpreters or a test for language proficiency before they were employed. In contrast to foreign African interpreters, court interpreters working in South African languages, on the other hand, are tested for language proficiency before being employed. They also do receive training, albeit after having practised for a period of time (Moeketsi 1999b:132-133). Usadolo also established that in general there are no strict regulations governing the quality of court interpreting in South Africa, as opposed to court interpreting in many countries abroad. Usadolo quotes Mikkelsen (1999a) who states that in America, there is a legal requirement that a court interpreter who aspires to work in federal courts must demonstrate a prescribed level of proficiency by passing a certification examination. He further points out that court interpreters in other countries go through accreditation bodies, such as Australia's National Accrediting Authority for Translators and Interpreters (NAATI), the Canadian Translators' Terminologists' and Interpreters' Council (CTTIC), the United Kingdom's Institute of Translators and Interpreters (ITI), and the American National Association of Judiciary Interpreters and Translators (NAJIT).

With regards to the above, Blaauw (1999:289-290) mentions that although bodies such as the South African Translators' Institute (SATI) have been fighting relentlessly for the acceptance of official standards for both the interpreting and translating professions in South Africa, they have not been able to exert a regulatory stamp of authority on many aspects of legal interpreting. SATI is a professional association for language professionals that was founded in 1958. Membership is open to all translators, interpreters and related language professionals. Its aims and objectives are to support, safeguard, and promote the interests of translators and those in related professions. This institution plays a critical role in respect of language practitioners, through its comprehensive system of accreditation with a view to ascertaining members' competence and ensuring a high standard of professionalism to promote excellence. However, the DoJC does not require court interpreters to obtain accreditation from this institution, before appointment.

The researcher is of the view that the DoJCD should collaborate with this institution to test and accredit prospective court interpreters, because the accreditation would ensure that the DoJCD employs competent court interpreters of a high standard. Except for SATI, there is also the South African Language Practitioners' Council Act established in 2014, which applies to all language practitioners in the Republic of South Africa. Similar to SATI, the aims and objectives of the Act are to promote and protect the language practice in South Africa, including the members and the public interests. A council has been established to foresee the implementation of the aims and objectives of the Act, which among others are to test, accredit, register and monitor language practitioners, as well as develop a code of conduct for them. If properly implemented, this Act will help to bring about competency and raise the standard of court interpreting.

Usadolo (2010:350) recommends that court interpreters maintain a high degree of competence, remain abreast of developments in their field of work, and be involved in life-long learning. He further recommends that court interpreters belong to a professional body or association. The current study supports these recommendations. In his two studies, Lebesse (2011; 2013) examined the role of court interpreters in South Africa. As noted, this was done by investigating two pieces of South African legislation.

In both studies, two pieces of legislation were investigated, namely the Magistrates' Court Act 32 of 1944 (as amended), and the Constitution of the Republic of South Africa, 1996. The above two pieces of legislation deal with the provision of court interpreters for an accused who cannot comprehend the language used during court proceedings. The studies then went on to examine court cases where reference to the role of court interpreters was made by judges of the high courts. The findings of the studies revealed a lack of any legislation that clearly defines the role of court interpreters. This led to court interpreters working without proper guidance (Lebese 2011:355). They were seen to be omitting and even adding certain information not uttered by the SL speakers. In other instances, court interpreters were instructed to perform duties that were outside the boundaries of interpreting, such as the tasks of magistrates, and which they were not qualified to do (2011:349). In doing this, they compromised their own duty of interpreting. The findings of these two studies further revealed that judges could not define the role of court interpreters and that in their attempt to do so, they offered different and conflicting definitions of this role. These studies recommended that legislation dealing with court interpreting issues be amended to state explicitly what the role of court interpreters should be. Lebese (2011:356) further suggested that:

The role of court interpreters shall be that of a neutral, competent, and professional facilitator of communication in the judicial process between court participants who do not speak the same language, by converting the meaning of the verbal and non-verbal communication of the speaker, in an understandable manner, into the language of the listener, whilst taking into account the cultural differences between these participants.

In another study, Lebese (2014) examined whether there are any norms and standards of practice set for court interpreters in South Africa. The above study was in response to Judge Williamson's comment in the case of *State versus Naidoo* (1962: 631). In this case, Judge Williamson said:



It is surprising that in relation to the courts of this country where interpretation of evidence and statements forms such an important and vital element in the placing before judicial officers and jurors evidence from so many persons who speak in tongues strange to the court and jurors, that there appears to be no statutory provision, Rule of Court or regulation governing the position of interpreters. Act 56 of 1955 also contains no provision regarding interpreters.

The study investigated the South African legislation dealing with court interpreting issues, namely the Personnel Administration Standards for Court Interpreters, contained in the Public Service Code; the Magistrates' Court Act 32 of 1944 (as amended); and the Constitution of the Republic of South Africa, 1996. The findings revealed that none of this legislation addresses norms and standards of practice for court interpreters. As a result, court interpreters are seen to be working without proper guidance from the legislation, a situation which compromises good court interpreting practice (Lebese 2014:202). The study recommended that there should be a statute, termed the 'South African Court Interpreters Act', which will deal with issues of court interpreting, and must explicitly set out norms and standards of practice for court interpreters (Lebese 2014:204).

In summary, court interpreting research conducted in South Africa indicates that:

- court interpreters are not properly trained to meet the challenges involved in the task of interpreting, and as a result, there is a need for proper training;
- there is a need for the DoJCD, as the employer of court interpreters, to support the above initiative; and
- there is a need for the creation of a statute that deals with court interpreting issues, since the present legislation does not address these issues properly.

In the light of the research that has been carried out in the field of interpreting, it is clear that there is a gap in what transpires during interpreting in South Africa. In a bid to close this gap, this study explores the use of international models in South Africa and their impact on the manner in which interpreters execute their duties. This study goes further and outlines a model based on the local environment. Because the present study focuses on formulating models of court interpreting, the following section discusses models of interpreting.

## **2.24 Models of interpreting**

One of the aims of this study is to explore how models of interpreting were developed, and by whom. This section and others following will fulfil this aim. This section starts by defining what a model of interpreting is. It then continues to investigate how models of interpreting evolved and developed. It further discusses the different models of interpreting and their categories, the testing and application thereof. Finally, it discusses models of interpreting that are relevant to this study.

### **2.24.1 Definition of a model**

Frigg and Hartmann (2006:1) define a model as a representation of a phenomenon, and state that many scientific models represent a phenomenon that is used as an umbrella term covering all relative features. Frigg and Hartmann (2006:18) observe that models become relevant to theory when theories are too complicated to handle, and a model may be employed to allow for a solution. This is in line with the definition of a model which is provided by Bell and Moshé (1997:1) who define a model as a structure that makes all sentences of a theory true. Pratt (2007: iii) concurs that the term 'model' refers to any representation which clearly explains the nature, structure or working of a natural or social phenomenon; it is a system of relations which it represents. In relation to this study, a model is viewed as a representation of the interpreting process, which shows features that are central to interpreting and the roles played by interpreters therein. Allmendinger clarifies that 'models are more simple representations and pictures of reality that do not include hypotheses but are still testable' (2017:16).

Models play an important role in the field of interpreting. Hartmann (2008:22) states that a model may correct our intuitions and make them more precise. In other words, in instances where we have misunderstood what interpreting is, a model becomes a solution, in helping us understand the phenomenon of interpreting. In a field like interpreting, where there are no specific interpreting theories, models help to showcase what interpreting is and what is done during interpreting. Pöchhacker (2010:84) clarifies that a model is an assumption about what something is like and how it functions, and that it can be regarded as a particular form of theoretical endeavour.

The assumption, however, can be tested conceptually or in relation to specific empirical data (Pöchhacker 2010:107). In a country like South Africa where there are no rules, regulations, or legislation governing the interpreters' position and their roles are not defined, formulating a home-grown model that represents what is taking place in practice is important. This is because the model will help to define the roles of interpreters and highlight central features of the interpreting process within the South African court system. That is, a model of interpreting can be one of the ways that can be used to offer a solution to this problem, since models have the ability to clarify what the phenomenon of interpreting means. The next section discusses the characteristics of models of interpreting which have evolved and or been developed.

#### **2.24.2 Characteristics and evolution of models of interpreting**

Pöchhacker (2010:84) states that a model of interpreting comprises two elements, namely its type and a number of components that are assumed to form part of the interpreting phenomenon. This view is similar to that held by Colonomos (1992:1) who states that a model is categorised into different aspects, namely language, process, culture, psychological, and cyclical. Although Colonomos (1992:1) refers to a process in her discussion and Pöchhacker uses the term components, they both share the same view of what an interpreting model is. In the term 'process', one finds certain stages or steps that are taken, that indicate a process. Both definitions also agree that a model of interpreting is a representation of a phenomenon called 'interpreting'. This representation reflects the way in which the process of interpreting or components fit together, and how they relate to one another in describing the phenomenon of interpreting. This representation, therefore, creates a framework of the theory of interpreting, which is able to account for what interpreters are actually doing when interpreting.

In line with the above views, Pöchhacker (2010:85) states that a model of interpreting is a particular form of theoretical endeavour, which can take various forms of representations, like verbal description. Pöchhacker (2010:85) further asserts that a model of interpreting is an aspect of reality, which explains why and how a phenomenon occurs.

This statement corresponds to that of Russell (2005:136) who mentions that interpreting, whether in a simultaneous or consecutive mode, is a highly complex discourse interchange where language perception, comprehension, interpreting and production operations are carried out virtually in parallel. Colonomos (1992:1) observes that one of the ways to understand how models of interpreting evolve is by taking into account the three varieties of processing considerations involved in the completion of the interpreting task. These are:

(1) A model of interpreting as a linguistic process, because interpreting is an act wherein two languages are addressed, namely the SL (language from which interpreted) and the TL (language into which interpreted). The linguistic process is true for all forms of interpreting, court interpreting included, as all interpretations involve two languages. From this process, it is clear that court interpreters need to have a very good command of both languages in which they work.

(2) A model of interpreting as a communication process between different languages; as a result, it involves a mental process, which the interpreter completes during interpreting. This means that communication and cognitive elements are at play during interpreting. Similarly, Wilcox and Shaffer (2005:135) state that interpreting is a unique communicative event in which all acts of interpreting can ultimately be reduced to acts of communication. The researcher in this study concurs with Wilcox and Shaffer (2005:135) above, as the reason for court interpreting is to facilitate communication between two or more courtroom participants in the courtroom. Generally, these courtroom participants are unable to communicate with each other due to their linguistic and cultural differences.

(3) A model of interpreting as cultural process, since it goes beyond the linguistic consideration of two languages but also addresses the cultural considerations of the two different languages. The concept of culture is crucial in this study because African languages are heavily steeped in culture, and court interpreters have to be highly knowledgeable in the cultures of the languages they represent. De Jongh (1992:59) supports the view that interpreting is a cultural process and declares that cultural awareness is one of the vital requirements for a competent interpreter. This requires a balanced perspective on both the SL and TL cultures.

Wiersinga (2003:47) adds that the ability to interpret language codes and the ability to accomplish interpreting is partly a question of culture, and that knowing how to render meaning within the prevailing cultural patterns is the way of bestowing real meaning at all levels. Reeves (1994:42) agrees with this statement and asserts that in translation and interpreting, as well as in communication in general, transmission of messages has a chance to succeed if the receiver shares that social and cultural knowledge. Reeves' statement is crucial in court interpreting since the court interpreters, as receivers of the SL, need to share the social and cultural knowledge of the SL speakers to understand the utterances of these speakers.

To further this discussion on culture, Linell (1997:55) declares that interpreters go beyond mere translating and act amongst others like gatekeepers by monitoring the social and discursive situation. The risk of not having the above knowledge, as Reeves (1994:42) states, is that the speaker's utterance will not make sense to the receiver as it does not correspond to any reality they have experienced. This may lead to misinterpretation or the inability to interpret such utterances by court interpreters. In this study, the interpreters' capacity to interpret cultural issues will be explored during the observation of court cases.

The above approach is referred to as a sociological approach by Gercek (2008:2), based on the fact that it leads to an understanding of how interpreting is carried out and in what social context this occurs. Furthermore, this approach is an attempt to analyse interpreting in context. Roy (2014:158) affirms that sociolinguistic processes are inherent in communication; as a result, they are relevant to the practice of interpreting because interpreting constitutes intentional sociolinguistic analysis by interpreters and reflects the tacit sociolinguistic knowledge of interpreters engaged in the task. In addition to the above, Roy (2014:159) explains that studying how interpreters do what they do requires rigorous analysis of linguistic form and function, with the awareness that producing and understanding communication are matters of human interaction, and that this relates to sociolinguistics. This study, in line with Roy's assertion, will explore the linguistic forms and functions of utterances that were presented during court in view of the communication aims of the courts.

Similar to Roy, Pöchhacker (2010:50) argues that sociolinguistic processes are inherent in communication and relevant to interpreting.

Furthermore, that social and cultural knowledge shape meaning in communication besides role relationship and expectation. Dodzik (2013:5) calls this a socio-cultural model and argues that this model reflects on the evolution of the profession of interpreting since it accounts for socio and cultural aspects of communication. It is clear that sociolinguistic aspects are an integral part of interpreting because they do not focus on language as an abstract concept, but on language use and how humans conceptualise particular meaning as interpreters select among the possibilities of meaning intended by others (Roy & Metzger 2014:158-159).

In summary, for court interpreters to be able to interpret the utterances between court participants correctly, they need to be knowledgeable about both the sociolinguistic and cultural aspects of court participants for whom they are interpreting, since these aspects play an important role in a communication situation, and thus in court interpreting. The subsequent section discusses the development of models of interpreting.

### **2.24.3 The development of models of interpreting**

Roy (1993:347) states that models of interpreting developed through various descriptions of the phenomenon of interpreting in clarifying or explaining the role of the interpreter. Some models have been evolved through data collection and research, whilst others stem from application and interpretation of research and experience as an interpreter (Devilbiss 1998:3). Devilbiss adds that these models can be regarded as representative of the process of interpreting itself. Lipkin (2008:92) concurs that interpreters are in fact part of a very complex, triadic legal-linguistic situation which determines how they function.

As explained above, models of interpreting were first developed by judges as a way of defining and describing the role of court interpreters. Morris (1995:26) declares that this was done for two reasons: firstly, it was to prescribe and define the role of court interpreters. Secondly, to restrict the role of court interpreters to how they wanted them to function. The following section on international models proves this. Lebesse (2011, 2013) discussed these models to clarify how the role of court interpreters is defined. In the current study, models are discussed in order to determine their impact on how interpreters carry out their duties.

## **2.25 International models of interpreting**

The section below discusses the international models of interpreting, and how they were created. The first model to be discussed is the 'helper model'.

### **2.25.1 The helper model**

The perception of court interpreters as 'helpers' gave rise to the 'helper model'. This model was first introduced in sign language interpreting, also known as interpreting for the deaf. This helper model came about because interpreters were considered as helpers to the deaf, as the latter were unable to communicate with the hearing people. This impediment, therefore, called for the hearing community to offer help to the deaf community (Roy 1993:349). People who acted as interpreters for the deaf were, among others, family members and friends. Roy (1993:349) states that, as these interpreters were family members, assisting their own families to communicate, they did not ask for compensation, and thus viewed themselves as 'helpers'. Bar-Tzur (1999:1) observes that one other factor that led to these interpreters not asking for compensation was that, among them, were children of the deaf people, who could not ask for compensation from their own parents in order to assist them in communicating with other people.

Later on, other individuals such as coders, clerics or social workers also acted as interpreters for the deaf people since they were obliged in the cause of their duty to attend events involving the deaf. This resulted in them being required to learn sign language, in order to communicate with the deaf and to act as interpreters for them, again leading to them being viewed as helpers. The problem with this helper model of interpreting is that these interpreters often felt that they brought salvation, and the ultimate help, to many other cultures and minorities, showing the world the way. This led to them considering themselves being essential for deaf people's functioning, due to the deaf community's need for their help in order to survive in the world (Bar-Tzur 1999:1). Clifford (2004:94) states that the problem with this helper model emerged when these interpreters deemed it fit to act as they wished, which resulted in them making decisions for the deaf, and even accessing and sharing with authorities, the deaf people's confidential information that they thought was in the interest of the deaf.

In some instances, these interpreters would select and edit information that they interpreted, and did so according to their own perception of the deaf person's understanding.

Roy (1993:131) criticises the helper model, by stating that the helper behaviour underscores an attitude that the deaf were incapable of making and taking decisions and even taking care of themselves. His view is that the helper model is a role that allows for extreme personal involvement of interpreters in the affairs of the deaf people. This view is in line with that of Renmen (1999: 1) whose view of help is that when you help someone, you may inadvertently take away from people more than you can ever give them, and this could diminish their self-esteem, sense of worth, integrity and wholeness. Therefore, (1993:349) the helper model is considered inappropriate, as it denies the deaf people control over their lives and, instead, leaves in control those who interpreted for them.

Although considered inappropriate, the helper model is still practised in the South African courts, as some magistrates and other courtroom participants regard the court interpreter as a helper of the courtroom participant who cannot speak the language of the record. The researcher observed some instances when he was a practising court interpreter, where during the start of the court proceedings, the court participant whose first language was not English or Afrikaans, would elect to speak in either of the two languages. Halfway through the proceedings, the participant would get stuck, and would call for the court interpreter to help him or her, by saying 'please help me', meaning 'come interpret for me'. This seeking 'help' approach obviously leads to interpreters being viewed as 'helpers' or 'saviours', which contradicts their professional role as facilitators. In some instances, the magistrates themselves, in addressing the court interpreter, would say the following: 'Mr Interpreter, please help the witness or accused', depending on who the participant was at that time. Lebesse (2013) explains that this practice is still happening to date, in some of the South African courts, and presiding officers seem reluctant to advise the courtroom participants to stick to one choice of language – their mother tongue. It is however, not clear as to why they are so reluctant, and there may be more than one reason for doing so. Maybe this is because legal officers view interpreters as helpers who will come to the aid of the courtroom participants.



Considering the definition of interpreting in subsection 2.4.1 above, the helping model does not constitute a true reflection of the role of the interpreter. Devilbiss (1998:2-3) supports this view and states that interpreters are not helpers of the deaf client, as the deaf client is a competent person and the interpreter is there to facilitate the communication, in order to give the deaf person the opportunity that the hearing people have.

As interpreting began to be recognised as a profession, there was a move away from the helper model; according to Clifford (2004:94); this led to two key events, which were the hallmarks of this transition. The first one was the founding of the Registry of Interpreters for the Deaf in 1964, which was the professional organisation that represented sign language interpreters in the US. The second was the publication of the Registry's first manual for interpreters called "Interpreting for Deaf People", in 1965. These two events signalled the advent of a new level of professionalisation that was incompatible with the inequality underscoring the notion of the helper. The Registry stated that the relationship between interpreter and client (deaf) had to be one between equals, and a call was made to reject the emotional and personal involvement of the helper's role (Clifford 2004:94). The helper, who was the interpreter, was expected to be neutral, invisible and uninvolved.

This, as noted earlier, led to a change in the role of the interpreter, who was described metaphorically as an inanimate device or machine such as a telephone wire that served as a 'conduit for information flow'; this led to the conduit model, which is discussed in the next section.

### **2.25.2 The conduit model**

In other countries, the legal system under whose authority court interpreters are functioning decides how court interpreters are supposed to function. This is evident in the Australian case of *Gaio versus R* (1960) 104 CLR 419, where the judges prescribed the role of court interpreters to be like that of a 'translation machine' or a 'conduit', which gave rise to the 'conduit model' of interpreting mentioned earlier (Berg-Seligson 2002; Roy 1993; Lee 2009a). The role of the interpreter was defined in this way because the court interpreter was expected to interpret everything that was said by the speaker, without having to provide or ask for any clarification.

The judges believed that this was a good method of obtaining non-contaminated evidence from the witnesses. This meant that the court interpreter had to act like a 'translation machine' or a 'conduit', by interpreting evidence word-for-word. The judge justified the definition of the role of court interpreters in this way by stating that this definition was a technical solution to avoid hearsay when obtaining evidence through an interpreter. The implication of the kind of role is that, the court interpreter has to interpret utterances of the speaker without asking for any clarification or making any additions.

Morris (1999:6) explains this role further: in the conduit or machine-like role, the interpreter is expected to undertake a literal rendering of the words of the speaker. Laster and Taylor (1995:11) elaborate that the judge in the above case defined the role of the court interpreter in this way, using a metaphor based on the English precedent case of *R versus Attard* (1958 No. 3 43 Ct Ap). In the latter case, the judge characterised interpreters as 'mere ciphers' and argued that the interpreter is a mere conduit pipe into which the one language enters while the other exits. The judge defined the role of the court interpreter in this way on the premise that it was the only way of avoiding the interpreter's personal involvement in the case (Laster & Taylor 1995:11).

Bar-Tzur (1999:2) states that the conduit model was developed with the intention of avoiding the injustices that took place under the helper model. This model was, according to Lee (2009b:380), formulated, firstly, to ensure legal admissibility of the interpreted evidence and to avoid hearsay. Secondly, the interpreter in acting as a kind of machine or conduit pipe would render a literal and faithful version of the original message into the target language. This severely restricted role of the court interpreter was based on the notion that he or she must only be engaged in linguistic transfer, which is encoding and decoding, and nothing else (Lee 2009a:37). Wilcox and Shaffer (2005:136) are also of the view that the conduit model came about because the role of the court interpreter was described and prescribed in terms of the cognitive process that is required for communicating. Coolun (2009:24) makes similar points.

Although this model was developed with good intentions, it has many shortcomings and has been criticised by many scholars, tribunals as well as interpreting practitioners.

They realised that adherence to the restrictive conduit role was not conducive to accurate interpretation or to ensuring the linguistic presence of defendants or witnesses (Lee 2009b:38). Lee (2009a:37) states that such a role would result in a distortion of messages and lead to miscommunication. Their views were based on the notion that the court interpreter is a facilitator of communication; therefore, some intervention by the court interpreter would be necessary to make the communication possible. Devilbiss (1998:2-3) supports their views and explains that interpreting is a form of communication: for this communication to be successful, there might well be a request for clarification of the speaker's utterance, undertaken by the court interpreter. In other instances, the interpreter himself will need to clarify such aspects for the smooth flow of communication.

Additionally, Lipkin (2008:86) criticised the conduit model by stating that verbatim interpreting in the sense of word-for-word may be misleading. Lipkin (2008:94) warns that this conduit model expectation in reproducing the same tone and wording, might pose a problem in that the ability to do so will vary from one individual to the next. She demonstrates this by stating that some interpreters speak quietly while others are louder; and others are a little shy while others are more confident (Lipkin 2008:94). The result is that, for example, producing the same tone as that of the speaker might be unattainable for some court interpreters. The probability is that if the above happens, that particular court interpreter is likely to be criticised for not abiding by the conduit model. Pöchhacker (2008: 9) also affirms that court interpreters cannot function like a 'translation machine' or a 'conduit'. Nakane (2009: 15) likewise criticised the judges' prescription of the role of court interpreters as translation machines or conduits; in his study, he found that interpreters diverge from their prescribed role when problems arise during interpreting.

Some of the limitations of this model are as follows: (1) it does not consider interpreting as communication, where factors regarding reformulation of utterances are involved during interpreting. (2) The definition is not a true representation of what interpreters are actually doing when interpreting. (3) The judges failed to acknowledge that interpreting is a complex phenomenon, where its complexities have to be understood if one wishes to discuss it without misunderstandings arising (Du Plessis 1997: 2).

If court interpreters are to interpret according to such prescriptions, the problem is that court interpreters may interpret contrary to what the phenomenon of interpreting stands for. This generally leads to misinterpreting and possible miscarriage of justice. (4) The definition also does not consider cultural issues, which differ from language to language, and which at times need reformulation or clarification, in order to be interpreted correctly. (5) Jacobsen (2002: 1) explains that the court interpreter cannot function like a machine or conduit, since in spoken language meaning is subject to constant negotiation, and verbatim translation may lead to misunderstandings. Laster (1990:18) explains that in the few cases in Australia where courts have considered the nature of the role of the court interpreter, the conception has been that of a narrow mechanical service rather than a complex human interaction.

Morris (1999:8) also criticised the conduit model and explains further that by defining the role of the court interpreter in this way, the law is denying personal input or an interactive role by the court interpreter. In reaction to the avalanche of criticism of the conduit model, the judge presiding over the case of *Gradidge versus Grace Bros. Pty. Ltd.* 1988. 93 FLR 414 (426-427) stated that the task of the interpreter is not restricted merely to passing on the questions when the party is giving evidence, but that it must be extended to apprising the party of what is happening in court. The judge was aware that the interpreter cannot act like a conduit pipe and that there is more to interpreting than just passing a message from one person to another, such as, for example, informing the person involved of other procedures that are taking place (Morris 1999:8-9).

The current study does not support the conduit model as it does not consider issues of culture, which play a crucial role in communication. Lack of inclusion of cultural aspects, in the definition of the role of court interpreters by the conduit model, could lead to court interpreters interpreting cultural aspects verbatim whilst these aspects carry contextual meanings, and this may lead to misinterpretation. Since the current study takes cognisance of the fact that interpreting is communication, and cultural aspects play an important role in communication, cultural aspects have to be considered in interpreting as well.

The view that the researcher holds is in line with that of Mellinkof (1973:7), who rejects the prescription of the conduit role, by stating that, it is ironic that law as a profession of words should deliberately construct a role for interpreters which denies the complexities inherent in language. His view is based on the notion that the adversarial courtroom, the linguistic complexities of legal interpreting, and the significant cultural dimensions in involving non-English speaking people, force the interpreters and lawyers to compromise the conduit model (Mellinkof 1973:7). Laster and Taylor (1995:12) support the view of Mellinkof, and state that the role of the interpreter as a conduit pipe expressly excludes the human elements of successful communication. They define these elements as those relating to requesting or providing clarification where necessary for successful communication.

The challenges in applying the conduit model in practice and the criticism it received led to the development of models that are pro-interpreters; models that aim to explain what transpires during the process of interpreting. One of these is the language facilitator model which is explained below.

### **2.25.3 The language facilitator model**

Due to the mounting criticism of the conduit model, in 1991 the judges instructed the office of the Commonwealth Attorney General's Department in Australia to investigate the actual role of court interpreters (Lee 2009a:37). This department made a report on the findings of their investigations, and declared that the role of a court interpreter was that of a 'facilitator of communication' and not a translation machine. As a result, the role of court interpreters was redefined to that of a 'language facilitator'.

Unlike the conduit model of interpreting that was prescriptive, the language facilitator model of interpreting is of a descriptive nature, as it describes what court interpreters do when they interpret. The Attorney General's Department argued that the court interpreter was a facilitator of communication where one party was not conversant with the language used during the court proceedings (Lee 2009a:37). From this definition, it is clear that this role was defined by describing the court interpreter's act, namely that of facilitating language. This role definition supports the researcher's view in this study, and indicates that interpreters stand between two people of different linguistic backgrounds in order to facilitate communication.

Moeketsi (1999a) explains that this role definition stems from the premise that interpreting involves speakers from different language backgrounds, and the interpreter is the only means by which these speakers can communicate to each other.

When compared to the helper model and conduit model, the communication facilitator model seems more appropriate because it respects the role of the interpreter and acknowledges that the latter is an important element in the communication chain. Whilst the helper model denies deaf people the chance of making their own decisions and the conduit model makes interpretation sound stilted with its restricted meaning of what interpreting should be, the communication facilitator model takes into account that interpreting is about communication.

Since the publication of the Commonwealth Attorney General's Department report, there have been landmark cases that set the tone for the redefinition of the role of the court interpreter in the legal setting in countries such as Australia (Lee 2009a:37). Among these cases, was that of *Gradidge vs Grace Bros Pty Ltd* (1988) 93 FLR 414, and also that of *Perera vs Minister of Immigration and Multicultural Affairs* (1999) 92 FCA 507. In these cases, the judges prescribed the role of the court interpreter as that of removing the language barriers and placing the non-English speaker in a position that would be as close as possible to that of an English speaker. This role supports the language facilitator model and can be closely linked to the translation theory of 'dynamic equivalence', which was introduced by Nida and Taber in translation studies. Nida and Taber (1969: 12) define this notion as 'the reproduction in the receptor language, the closest natural equivalence of the source-language message...' The key words are 'closest', 'natural' and 'equivalence'. By 'closest', they indicate that owing to the impossibility of absolute equivalence, the 'closest' equivalence is the most ideal one (1969: 12). Nida (1964: 167), particularly, stresses that 'a natural rendering must fit the receptor language and culture as a whole; the context of the particular message; and the receptor-language audience'. The dynamic-equivalence theory, therefore, studies translation from a totally new perspective, deviating from the traditional source text-centred theories, shaking off the straitjacket of sticking to some specific linguistic problems and shifting the focus to the function of translation.

This is to make certain that the receptor understands accurately the message carried by the source text. In this sense, it is a large step forward in translation studies (Dayan 2012: 242).

Although the facilitator model was commended for moving away from viewing interpreters, as mentioned, it was also not without criticism. Lee (2009a:38) explains that while the term 'facilitator of communication' is used as the appropriate role descriptor of court interpreters in some literature, it was met with criticism by other scholars. Hale (2008:114) and Gonzalez *et al.* (1991:155-156) rejected the language facilitator model, by stating that any facilitative role was inappropriate, as it was similar to filtering or embellishment. However, as noted, Lee (2009b:38) criticises their views and asserts that a more realistic perception of the role of the interpreter in the courtroom is that of a facilitator of communication in the courtroom, a view supported by Laster and Taylor (1995:13). The current study also maintains this view; however, the researcher acknowledges that this definition is too broad and lacks important elements such as culture and the cognitive processes that transpire during interpreting. As a result of the importance of culture in interpreting, the bilingual-bicultural model was developed, and is explained below.

#### **2.25.4 The bilingual-bicultural model**

By the end of the 1970s and in the early 1980s most of the descriptions of the interpreter's role acknowledged the fact that interpreters were supposed to be aware that they are communicating across different cultures and languages (Roy (1993:351). This led to the formulation of the model which regarded court interpreters as bilingual-bicultural specialists. Bar-Tzur (1999:2) states that this model came about because interpreters sought to understand the cultures of both the source and target language speakers in order to assist both speakers to see each other's perspectives. As a result, interpreters regarded themselves as 'culture brokers'. Like the language facilitator model, this model was formulated by considering what the task of court interpreters ought to be. The bilingual-bicultural model can therefore be considered as descriptive in nature. Bar-Tzur (1999:2) favours this model and observes that if there is no bilingual-bicultural mediation, then an unprocessed interpretation leads to a muddled message.

Laster (1990:25) agrees that the interpreter must serve as a 'cultural bridge' and that he or she must do so by interpreting the perceptions of the source language speaker, in terms of their cultural meaning. Lee (2013:65) further explains that communication problems or misunderstandings in legal settings may occur due to divergent cultural frames and discursive practices. He adds that this is the reason why some people argue that interpreters have to play the active role of a cultural mediator in order to place asylum seekers who lack the knowledge of the host country's legal system and culture on an equal footing (2013:65). This is in line with the earlier views expressed by Kohn and Kalina (1996:118) who argued that interpreting is by definition a form of cross-linguistic and cross-cultural communication. The researcher is of the view that this definition is derived from the fact that during the course of interpreting, the interpreter searches for linguistic and cultural equivalents in order to interpret the speaker's utterances correctly. Court interpreters have to do this to ensure that speakers from different linguistic and cultural background receive the same message as that conveyed by the original utterances.

Roy (1993:351) observes that cultural sensitivity means, among other issues, that court interpreters must be aware of regional or dialectal differences in language, non-verbal differences, different attitudes towards time, and different forms of personal address. This aspect is very important especially in a multilingual country like South Africa where African languages are still rooted in culture and people turn to idioms and proverbs when expressing themselves. Court interpreters need not only be aware of regional or dialectal differences in languages, but also to master them, as they will come across these during their line of duty. Failing to master these cultural concepts, may lead to misunderstandings and might have dire consequences for court participants.

Bar-Tzur (1999:2) warns that in instances where the interpreter regards himself or herself as a cultural broker, such an interpreter may try to be an expert in both cultures. Such conduct by the interpreter could be viewed as a double-helper role where both the hearing and the deaf people need help, and the interpreter is regarded as the only one to give it to them. Roy (1993:351) concurs with Bar-Tzur (1999:2) and states that the bilingual-bicultural model includes elements of the helper model.



In order to avoid the risk raised by Bar-Tzur above, South African court interpreters should be sensitised, and be advised not to behave in the manner raised above.

Lee (2009a:38) observes that while some scholars like Barsky (1996) and Eades (1996) are in favour of cultural intervention by the interpreter for the sake of effective communication, others argue that he or she should not assume the role of an expert or attempt to explain cultural concepts or beliefs. It is believed that by acting as an expert, such role may have a bearing on the case (Lee 2009a:38). Kelly (2000:131) observes that when it comes to cultural information that is neither significant nor controversial, many of the scholars maintain that the interpreter who is aware of cultural differences should point out any information pertinent to the case at the proper time in the proper manner. Kelly (2000:131) further states that these scholars admit that a lack of cultural sensitivity on the part of the court interpreter may produce untoward consequences. There seems to be confusion between the two views: on the one hand court interpreters are prohibited from taking the role of a cultural broker because this role causes problems whereas on the other hand the same role is allowed but only if it has certain advantages.

The researcher supports the emphasis that is placed on culture in this model because, as he has indicated, if culture is not taken into consideration, important aspects of communication may be misunderstood and misinterpreted by some court participants. This is also applicable in the South African court system where interpreters are expected to interpret utterances that are cultural in nature. It is therefore crucial that court interpreters should know and understand cultural aspects of courtroom participants for whom they interpret. But still, the researcher acknowledges that there is more to interpreting than knowledge of two languages and cultures.

In a nutshell, models of interpreting developed over the years, from an early view in which the role of the interpreter was defined as that of a passive conveyor of information, much like a telephone (Wilcox & Shaffer 2005:135). In the 1990s, this role was delineated by using modern conceptions such as that of a communication facilitator or a bilingual-bicultural specialist. In terms of the latter definitions, interpreters are encouraged to acknowledge their active role during interpreting. These models will be discussed in the following sections.

## **2.26 Types of process models of interpreting**

The different types of models of interpreting are delineated below.

### **2.26.1 Process-based models**

The complexity of the interpreting process has led to scholars such as Gerver (1975), and Lambert (1983) introducing different types of process models, with the aim of understanding how the process of interpreting works. In other words, process-based models seek to understand the task of interpreting by examining how language is used during interpreting. Unlike Colonomos who considers only two categories of processing models, namely that interpreting is a linguistic process and a communication process, Devilbiss (1998:3) divides process models into three categories: socio-linguistic processing models, pedagogical processing models and communication processing models. In the following section, two of these process models are examined.

- **The socio-linguistic process model**

Devilbiss (1998:3) describes the socio-linguistic processing model as a model that focuses on the various stages of language processing and the application of the societies and cultures which are involved in the message. According to Cokely (1992:3) a socio-linguistic processing model incorporates societies, cultures and languages into one model. This study is in favour of Devilbiss' model as the researcher is of the view that firstly, interpreting takes place between two or more speakers who come from different linguistic, social and cultural backgrounds, and as a result, socio-aspects which are embedded in the cultures of these speakers need to be taken into account during interpreting. In other words, when formulating court interpreting models, one needs to take cognisance of not only the language and culture of the speakers but also the social factors those particular speakers. Inghilleri (2003:262) holds the same view as that of the researcher in this study, declaring that both the training and practice of interpreters in its wider social context have relevant and important implications for deepening the understanding of the social and linguistic nature of the interpreting activity.

It is therefore crucial for court interpreters to have a good understanding of the socio-linguistic nature of interpreting.

In other words, they must have knowledge of how people use context in communicating. Pöchhacker (2010:50) affirms that cultural and social knowledge shapes meaning in communication and that culture determines the way people think, act and interact. Wadensjö (1998:82) agrees that various social, cultural and subcultural issues in interpreting are coordinating aspects; the one does not exclude the other.

As indicated by scholars such as Pöchhacker (2010:50), interpreting is about communication; hence, the next section investigates how the process model of communication relates to interpreting.

- **The process model of communication**

Wilcox and Shaffer (2005:144) are of the view that interpreting is essentially about communicating, and it is therefore an active process of constructing meaning, based on evidence provided by speakers. They state that unless models of interpreting rest on a scientifically adequate foundation of what communication is and how it is achieved, these models will be flawed. They advise that in developing a model of interpreting, several researchers start with a model of communication. This is based on the fact that, in the communication model, a source speaker encodes a message and sends it through a channel, which is the interpreter, to the receiver who decodes the message. Steward *et al.* (1998:47) hold the same view, and regard interpreting as a processing phenomenon, which involves two steps. The first is that the interpreter understands the language in which the source message is preserved, while, secondly, the interpreter analyses the message to determine how the meaning will be encoded in the TL. It is likewise the view of the researcher in this study that during the process of interpreting, the interpreter receives the speaker's message, analyses it for understanding, and uses appropriate words in conveying the message to the listener.

### **2.26.2 The cognitive model**

According to Coulson and Matlock (2005:1), cognitive scientists are committed to the belief that the human mind can be viewed as a complex system involved in the acquisition, storage, transformation and transmission of information.

Setton (2013:1) again asserts that the cognitive process of interpreting must take into account memory, attention, bilingual neuro-linguistic organisation or processing capacity, and be extrapolated as far as possible to the interpreting task. He argues that, while under severe time constraints, interpreters must transfer discourse between two languages that conceive and express things differently. The process of interpreting involves, among others, the acquisition of aspects of knowledge of the interpreter's working languages; ability to store information in his or her short-term memory; the conversion of information from the SL into the TL; and the transmission of that information into the TL (Coulson & Matlock 2005:1). The statement above confirms that interpreting is a process as it goes through different stages before completion.

The cognitive process as described above is a representation of what takes place in the mind of the interpreter during the task of interpreting, which supports the views of Colonomos (1992:1), Coulson and Matlock (2005:1), as well as those of Setton (2013:1). A further consideration for such an interpreting model is that it is cultural, because not only does it consider linguistic aspects of different languages, but it also addresses the cultural aspects of different languages. Another factor to be considered is that such a model is psychological because it examines the interpreter as an individual who has his or her own perceptions, feelings and knowledge base, and considers the impact that the interpreter may have on the communication process. The last feature is that the model in interpreting is cyclical because the interpreter cycles through the process continually during his or her task.

### **2.26.3 Socio-professional models of interpreting**

Pöchhacker (2010:84) differentiates between the two types of models, namely socio-professional ones and institutional ones. The socio-professional model focuses on interpreting as a recognised occupation in society, and deals with issues of professionalism, inter-societal relations and cultural identities. As mentioned, before the twentieth century, although translation and interpreting were already being practised, they were however not recognised as professions (Pöchhacker 2010:28). During this period, the only requirement to be appointed as an interpreter was bilingualism; as a result, the interpreting profession was intruded upon by incompetent individuals.

It was only in the early twentieth century that translation and interpreting attained the status of professionalism, which saw a code of ethics and professional standards being set for interpreters (Pöchhacker 2010:29). The result was that an entry standard was set for the profession of interpreting. These entry standards differed from one country to another. Educational qualifications became one of the requirements for admission as an interpreter. In South Africa, as stated above, the current requirement is that the candidate must be in possession of Matric Certificate (Grade 12). In other countries, requirements include an admission examination set by the board or a professional body of interpreters such as the International Federation of Translators (FIT). In South Africa, court interpreting candidates are subjected to a language proficiency test which is conducted during the job interview. A major challenge that South African court interpreters are currently facing is that the DoJD does not have its own interpreters' code of conduct and makes use of foreign countries' codes.

Today, translation and interpreting are recognised as professions. However, in South Africa the profession has a long way to go in attaining the professional status enjoyed by other countries, because the profession still lacks a clear definition and its role is undefined (Du Plessis 1997:1). The next discussion focuses on the institutional model because interpreting takes place within certain institutions.

#### **2.26.4 The institutional model**

The institutional model highlights the institutional function of interpreting services in various institutional contexts (Pöchhacker 2010:84). Davidson (2000:382) states that one significant factor influencing the manner and effect of interpreting is the location of interpreted speech events, and adds that in America the majority of interpreted discourses take place within the context of state-sponsored or state-run institutions. These institutions define the institutional discourse in that they define institutional goals, and as a result they reinforce habits for achieving the latter by providing clear signposts for how communication should proceed. This study assents to Davidson's view in that the researcher contends that the institution as an employer has to lay down measures in support of court interpreters as its employees, which they have to follow.

The employer has certain expectations from court interpreters regarding how they must function, and it is the employer's responsibility to make these expectations clear to them so that they understand what the institution expects of them. Failure to do so could lead to court interpreters being criticised due to their deviation from institutional expectations.

The current interpreter employment situation in South Africa differs from other countries in that the DoJCD, as the service provider of interpreting services and the employer of court interpreters, has neglected its responsibility in dealing with issues pertaining to court interpreting, and has instead delegated this responsibility to the judiciary. These court officials are neither trained as court interpreters nor knowledgeable in the subject field of court interpreting, and as a result are incapable of dealing with such issues. Another aspect to be considered is that the judiciary is not the employer of court interpreters and therefore cannot lay down the employer's expectations for court interpreters on behalf of the DoJCD. The employing institution must do so and this defect leaves the employees - court interpreters - having to decide for themselves on issues pertaining to their work. This again could be problematic as court interpreters might act according to their own individual and personal preferences. This conduct might create a situation where court interpreters might not perform their task uniformly and lead to poor interpreting practice, which could impact negatively on the receivers of the service. It may also prejudice those who are solely dependent on court interpreters in order to communicate with other court officials and, as intimated, may even affect the outcome of the case.

The above discussion shows how models of interpreting have been defined and described by different scholars, and identifies the factors that are taken into account when defining and describing such models. The discussion has also shown that by defining and describing the phenomenon of interpreting, one is able to understand what the phenomenon of interpreting means and the processes involved during interpreting. Understanding this process is important in this study as it aims to formulate a home-grown model. The researcher is of the view that understanding these processes can help court interpreters improve in the performance of their interpreting task. This study supports the practice followed by other countries in developing models of interpreting for court interpreters, mainly because these models are of a descriptive nature, and thus aims to do so for South Africa.

## **2.27 The testing and application of interpreting models**

As regards testing and the application of models in the interpreting situation, Pöchhacker (2010:107) mentions that depending on the type of model and on the scholar's or the researcher's epistemological position, a model can be tested conceptually or in relation to specific empirical data. In other words, by analysing the concept or by observing how the concepts unfold, such as observing court interpreters during the court proceedings. This study does both, analysing the selected models and observing interpreters perform their duties.

## **2.28 Conclusion**

This chapter reviewed literature on the dynamics of court interpreting. It started by examining the phenomenon of translation and that of interpreting; with a view to establishing whether there was any difference between the two concepts. The literature showed that interpreting was traditionally subsumed under translation, and as a result its processes relied on those of translation. This is also evident in the fact that interpreting was initially defined in the broadest sense of translation (Roy 1993:128). This position changed later on as scholars, and afterwards the practitioners themselves, realised that the efforts involved in the process of translation and that of interpreting were different. One of the arguments made was the immediacy in which the interpreting product was produced. These sources stated that interpreting was a process that was happening here and now. As a result, they realised that interpreting could no longer be defined in the broadest sense of translation, and that it required a definition different from that of translation.

In the study, it was noted that scholars started formulating different definitions of interpreting without involving practitioners in the process. These definitions were in conflict with one another. They were formulated by way of describing the process of interpreting, with a view to understanding it (Wilcox & Shaffer 2005:144). Some scholars approached the phenomenon from a linguistic point of view and considered interpreting as a process that deals with two or more languages. Their understanding was that an interpreter has to know two languages in order to perform the task of interpreting. In this way, they neglected the cultural aspects involved in a language, which make a particular language different from others.

These scholars considered interpreting as communication and that interpreting does not only require knowledge of languages, but also that of the culture of the languages (Kohn & Kalina 1996:10; Pöchhacker & Shlesinger 2002:3). The literature further indicated that there are different types of interpreting, such as community interpreting and court interpreting; each type applies to a specific setting in which interpreting takes place. Having knowledge of the different types helps guide interpreters as to which type of interpreting they should use in a certain kind of setting.

On the discussion of the role and models of court interpreting, available literature showed that any model as a representation of interpreting defines the role of court interpreters. The literature further revealed that judicial officers, namely judges and magistrates, who were themselves not practising court interpreters, prescribed earlier models of court interpreting. The judges prescribed these models with the aim of defining what the role of court interpreters should be, and how they are supposed to carry out the task of interpreting. The judges' lack of knowledge on court interpreting matters led to one model of interpreting being replaced with another. The reason was that the earlier models were found not to be a true representation of the phenomenon of interpreting; and as a result, they could not clearly define the role of court interpreters. These models were in conflict with what such interpreters were actually doing when interpreting, and as a result these interpreters objected to these models and started to formulate their own models.

In doing so, they looked at how the process of interpreting was unfolding and formulated the models of interpreting in this manner. This can be seen in instances where court interpreters argued that their role was that of bilingual-bicultural specialists. They maintain that whilst interpreting, they have to explain or clarify cultural aspects of languages for the purpose of communication flow, and also to avoid distortion (Kelly 2000:131; Kohn & Kalina 1996:118).

The researcher affirms the views stated by court interpreters above. This is because in his study, Lebesse (2015: 77) found that they are in the best position to formulate models of court interpreting, since they can describe the process of interpreting that they are involved in when interpreting.



In other words, they are able to define their own role; hence, as noted, this study sought the views of interpreters as to what they regard as their duties. The next chapter presents the methods used to collect and analyse data.

## **CHAPTER 3**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **3.1 Introduction**

This chapter discusses the research design and methodology used in this study. The discussion begins with presenting the research methodology that guides the study, then continues to outline the research tools, procedures and methods that were used to collect and analyse the data.

#### **3.2 Research methodology**

Since this study deals with court interpreting issues, it relied primarily on linguistics data (Elliot *et al.* 1999:252). That is, the phenomenon of interpreting was defined, described, and explained as a process. In other words, the definitions, descriptions, and explanations of this process account for what interpreters are actually doing when they interpret. This study therefore relied on a qualitative research method in exploring the meaning of the phenomenon of interpreting.

The qualitative research method has its origins within diverse disciplines which include anthropology, sociology and psychology, and is concerned with the interpretation of subjective meaning (Popay *et al.* 1998:345). As far as the aim of qualitative research is concerned, Erickson (2011:43) remarks that it seeks to discover and describe in narrative reporting what particular people do in their everyday lives and what their actions mean to them. In the next section, the qualitative research method is defined, and its relevance to the study under investigation explained.

#### **3.3 Qualitative research method**

Creswell (1998:15) defines qualitative research as a process of analysis that is based on distinct methodological traditions of inquiry which aim at exploring a social or human problem for the purpose of understanding it. In understanding the said phenomenon, qualitative research asks questions about it in order to explore it for better understanding (Elliot 1999:252).

Fossey *et al.* (2002:717) explain further that the qualitative research method is an overarching term for research methodologies whose aim is that of exploring, describing and explaining persons' experiences, behaviours and interactions, using textual data or words.

Elliot (1999:252) argues that because of its ability to define, describe, and explain a phenomenon, the qualitative research method relies primarily on linguistics rather than numerical data. In simpler words, qualitative research draws from human experiences as expressed by the people who have lived through the particular experiences. The method is applicable to the current study because it provides the researcher with an opportunity to pose questions about interpreting directly to practising interpreters. Against this background, this study collected and analysed data from active court interpreters regarding their views on the phenomenon of interpreting.

The validity of the selected method is also justified by McCusker and Gunaydin (2014:537) who state that the qualitative method generally aims to understand the experiences and attitudes of people as they answer questions about the 'what', 'how', or 'why' of a phenomenon. In other words, qualitative research is concerned about the subjective opinions, experiences and feelings of individuals, and as a result the goal of the research is to explore the participants' views on the subject studied (Dornyei 2007:32). Adding to the above arguments, Denzin and Lincoln (2005:3) explain that qualitative research studies things in their natural settings and attempts to make sense or interpret phenomena in terms of the meanings people bring to them. In the light of these definitions, it is clear that the interpreting phenomenon can be understood when interpreters explain or define what they actually do when interpreting, and why they do so.

This study employs the qualitative method due to its ability to describe social behaviours and its emphasis on understanding phenomena according to the participants (or role players) rather than considering a perspective from someone outside (Elliot & Timulak 2005:147). This was the case, for example, during the focus group discussions when court interpreters were asked to define the phenomenon of interpreting.

Maxwell (2000:279) adds that qualitative researchers rely implicitly or explicitly on a variety of understanding and corresponding types of validity in the process of describing, interpreting, and explaining phenomena of interest. The following section discusses the specific relevance of the method to this study.

### **3.4 The relevance of qualitative research to this study**

Court interpreting is a process that takes place in its natural setting during courtroom proceedings, where all courtroom participants are present. In order to understand what interpreting is, it needs to be observed in order to define, describe, and explain how the process unfolds. In the study, it is important to reiterate that there are different, conflicting views in legislation and among judges about what interpreting really means (Lebese 2015:61). See Chapter 2 of this study in this regard where this dilemma is extensively discussed. By exploring these different views, this study seeks to gain new insights into the phenomenon, to help create a solution to the ambiguity of this phenomenon (Mayer 2015:53). The purpose, however, is not to bring about a definite solution, but to provide clarity about what the term ‘interpreting’ means in the South African context. This is done in order to formulate a model of court interpreting that could guide the South African court interpreters in performing their task. The approach that is followed in this study coincides with the assertion by Rosenthal (2016:510), namely that qualitative research provides a way to obtain an in-depth understanding of the underlying reasons, attitudes, and motivations for the differing ideas provided for the interpreting phenomenon.

Another reason for choosing the qualitative method for this study is the attempt to understand the experiences of practising court interpreters in relation to the interpreting phenomenon (Strauss & Cobin 2009:11). In other words, the qualitative method is utilised to ascertain how these interpreters perceive the phenomenon of interpreting, as they have been involved in its practice. These experiences were then analysed to help bring clarity to what interpreting really is, in order to eliminate existing myths about the phenomenon of court interpreting and serve as guidance for court interpreters.

As stated in Chapter 1, the data for this study was collected from practising court interpreters at various magistrates’ courts in Pretoria, in the Gauteng Province.

These court interpreters have served for various periods in the DoJCD, ranging from one year to 25 years, while their ranks range from junior to senior court interpreter. Their age groups range from 23 to 58 years of age. Focus group discussions were carried out after the Community Engagement workshops held for the training of court interpreters at the main campus of the University of South Africa (Unisa).

Three focus group discussions were held - on 24 November 2016, 1 December 2016, and 15 December 2016.

Since the data was collected using human participants, ethical principles were observed, and these are discussed in the next section.

### **3.5 Ethical considerations**

As this study involved human participants in obtaining some of its data, the researcher approached the Ethics Committee of the Department of Linguistics and Modern Languages to apply for ethical clearance. The first ethical approval clearance sought was the one regarding the participants' involvement in the Community Engagement Project. The second ethical clearance was specifically requested for the study under discussion. The researcher made the two applications in 2015, before the collection of data. In the applications, he stated that the data would be collected from court interpreters who are in the employ of the DoJCD. The application was accompanied by participants' consent letters for participation in focus group discussions, as well as for the completion of a questionnaire. Both applications were approved, with the doctoral study's clearance approved on 8 September 2015 and that for the Community Engagement on 26 November 2015. Ethics approval letters were issued for both these applications (see attached letters in Appendices A and B).

During the collection of data in December 2016, it became apparent that there was a need for the researcher to collect the data by means of court observations as well. The aim was to ascertain whether what court interpreters stated during the focus groups discussions and in the questionnaires, actually reflected what they are doing in practice. The researcher once again approached the Ethics Committee with an application for the amendment of the original Ethics Approval, to include court observations.

However, before submitting an application for amendment of the original ethics approval, the researcher had to make an application to the relevant court officials where he intended to carry out court observations. The purpose of doing so was to support the application for the amendment. The application for permission to undertake court observations was made to the Pretoria Magistrate's Court in the Gauteng Province, Rustenburg Magistrate's Court in the North West Province, and Polokwane Magistrate's Court in the Limpopo Province.

However, the observations could only be carried out at the Pretoria Magistrate's Court in the Gauteng Province where permission was granted (see Appendix O). The Rustenburg Magistrate's Court also granted permission, but the researcher could not carry out the observations there due to time constraints. The application for the amendment was submitted to the Unisa Ethics Committee of the Department of Linguistics and Modern Languages, together with the proof of permission granted by the offices of two from the above three magistrate's courts. The application was approved and the approval letter was granted on 19 May 2017. See attached Appendix C in this study. Below follows a list of documents relating to issues of ethics in this study, which are attached as appendixes in this study:

- Ethics Approval for participation in a Community Engagement Project.
- Ethics Approval for PhD study.
- Letter of consent to participate in a Community Engagement Project.
- Letter of consent for focus groups participation.
- Letter of consent for court observations participation.
- Application for permission to undertake observation at Pretoria Magistrate's Court.
- Application to carry out court observations at Rustenburg Magistrate's Court.
- Amended Ethics Approval for PhD study.

Before the start of the focus group discussions, the researcher handed out a consent letter to each participant and explained that this would be read out to them, whilst they would also have the opportunity of going through it by themselves. The researcher also had a copy of the consent letter. Such a letter is one in which a participant agrees to voluntarily participate in a research study.

As stated in Chapter 1 of the study, the right of participation and withdrawal, privacy, anonymity and confidentiality issues were explained to the participants. In this study, the participants were not asked to disclose their names, and the transcripts of the focus groups do not mention their names either. The researcher noted that participants were looking at their copies, as the facilitator was preparing to read out the consent letter.

The facilitator then started reading out this letter to the participants, from the beginning to the end. After it was read out, the participants were asked whether they understood its contents, and if they had any questions. All participants indicated that they understood the contents of the consent letter, and that they did not have any questions or requests for clarification. Thereafter, the participants were requested to sign the letter, as a confirmation that they agreed to participate in the focus group discussions. After they signed, the researcher collected the signed documents from the participants. Samples of copies of signed consent letters are attached in Appendix E.

The facilitator proceeded to read the first question from the list that she had in her hand and informed the participants that they were not restricted in their answers, but that they were free to answer each question to their own satisfaction. The same procedure was followed in respect of all the questions in the questionnaire. After the focus groups' discussions were recorded, the proceedings were transcribed, verified, and edited.

### **3.6 Data collection tools and procedures**

Polkinghorne (2005:138) states that the purpose of gathering data in qualitative research is to provide evidence for the experience it is investigating; this evidence is in the form of accounts people have given of the experiences. He further states that most often, the said evidence is gathered from documents and data originally generated in oral form (e.g. interviews), which is transformed into written texts through transcription (2005:138). In line with the above, the qualitative research method was used in this study to collect data by means of focus groups, questionnaires, observations, interviews, and document analysis. These are discussed in the following sections. The researcher will start by defining what a focus group is and then proceed to illustrate its features.

### 3.6.1 Focus groups

Different scholars have offered various definitions of focus groups; among them are Beck *et al.* (1986:73) who define a focus group as an informal discussion among selected individuals about a specific topic. Although this definition seems incomplete as it does not state the purpose of the focus group, it is, nevertheless, relevant to this present study.

This is because, in this study, the researcher, in conducting the focus group discussions, assembled a group of court interpreters to informally discuss aspects relating to the phenomenon of interpreting, for the specific purpose of creating a model of court interpreting. Williams (2003:246) acknowledges that focus groups are a useful way of identifying issues because, during the process, the views of a range of subjects can be examined at the same time. For example, when defining and describing the phenomenon of interpreting, court interpreters also brought in the aspect of culture in their definitions and descriptions. The aspect of the importance of culture in interpreting was discussed in detail in Chapter 2 of this study. The focus group, therefore, does not happen in a vacuum but is utilised to gather information from the discussions with and between the various participants.

Anderson (1990:241) provides a definition of a focus group which extends that of Beck *et al.* above, as a group comprising individuals with certain characteristics, who focus their discussion on a given issue or topic. This definition falls within the ambit of the focus groups chosen for this study, namely that these groups are made up of practising court interpreters. The reason for choosing such groups is that these individuals share the same practice, experience, and knowledge of interpreting. They are therefore in a good position to contribute to the phenomenon of interpreting being researched in this study. Since such a group shares a similar experience and knowledge, Anderson (1990:222) further considers a focus group discussion as a specialised form of communication between people, for a specific purpose that is associated with some agreed subject matter. In other words, the focus group consists of individuals who have experience with or knowledge of the subject discussed. The agreed matter refers to an aspect or aspects that the researcher requested the participants to discuss, in order to gather and analyse their perspectives about those aspects. The next section discusses the rationale and advantages of using focus groups.



### **3.6.2 Rationale and advantages of focus groups in this study**

The rationale and advantage of these groups in this study was to collect verbal data from the court interpreters in respect of the phenomenon of interpreting and other aspects relating to it. During the focus group discussions, court interpreters were asked to debate or discuss certain questions relating to the formulation of a court interpreting model.

This approach has the advantage of giving participants enough opportunity to provide responses as much as they can, without limiting their responses. Morgan (1997:10) notes that through this approach, a focus group can provide direct evidence about similarities and differences in participants' opinions and experiences, and as a result, the data is not biased. The reason for the differences and similarities in participants' opinions and experiences is due to the influence that participants have on other participants during the discussion (Krueger & Casey 2000:11). In other words, when one participant is giving his or her definition or description of the phenomenon, other participants are listening. When their turn to speak comes, they reflect on what the previous participant has said and critique the participant's views or opinions, by offering similar or different views about the phenomenon discussed. Sim and Snell (1996:192) acknowledge this approach and note that participants are largely empowered when they are in a group, rather than in a one-to-one interview.

Although individual views and opinions are expressed during focus group discussions, a researcher is able to elicit the collective views of the participants as a group regarding the topic discussed and make findings in respect thereof (Fontana & Frey 2005:695). This was demonstrated, for example, by the creation of themes during the analysis of the views and opinions of the focus group participants, as set out in Chapter 5 of this study. Focus groups also have the ability to open up new avenues by drawing attention to some uncertainties and tensions (Markovà *et al.* 2007:42). Therefore, despite exploring the phenomenon under research, focus groups make it possible to explore new areas or research questions, and even to examine existing areas of research or the research questions from research participants' own perspectives (Wilkinson 1998:185).

For example, in this study, the definitions and descriptions of the phenomenon of interpreting provided by court interpreters are analysed to establish how similar or different they are from those provided by legislation and other data. The next section discusses the size of a focus group.

### **3.6.3 The size of a focus group**

Different scholars have deliberated on the question of the ideal size of a focus group, and all hold divergent views regarding what the size of a focus group ought to be. One such scholar who affirms that the findings of literature are mixed as regards the ideal size, and that there is no clear-cut rule, is Masadeh (2012:65). Merton *et al.* (1990: 37), although not suggesting a specific group size, maintain that the size of the group is manifestly governed by two considerations, namely that:

- it should not be so large that it precludes adequate participation by most participants; and
- it should not be so small that it fails to provide substantially greater coverage than that of an interview with one participant.

Denscombe (2007:115) proposes that a focus group should consist of a small group of people, usually between six and nine in number, brought together by the researcher to explore attitudes, perceptions, feelings and ideas about a topic. This view is also favoured by Dreachlin (1999:224) who argues that a large group may produce a competitive environment, where those who are vocal may dominate the discussion. The latter predicament may, however, be avoided if ground rules are clearly laid out to the effect that every participant is to be given an opportunity to voice their opinions. The views expressed by the scholars above are that a focus group should be large enough to be manageable and to generate enough debate on the selected topic. This will allow the researcher to capture everyone's contribution to the discussion.

In this study, three focus group discussions were held. The first focus group discussion comprised eight participants, while the second and third group had 14 participants each. Although the proceedings were video-recorded, it was also necessary for the researcher to record certain observations in writing. These observations related to aspects such as hesitations and gestures of the participants, and these were analysed as well.

With regard to the date and duration of the focus groups, the first focus group session took place on 24 November 2016, with a duration of one hour and 40 minutes. In this group, there were six females and two males. The second focus group discussion was held on 1 December 2016 and lasted for 50 minutes. This group comprised eight females and six males. The third focus group discussion was conducted on 15 December 2016 and took just under 45 minutes.

#### **3.6.4 Observations during focus groups discussions**

As stated above in this chapter, the researcher's role was to observe the focus group proceedings, with the purpose of capturing what transpired during discussions. This section is therefore dedicated to a discussion of this purpose. During the focus group discussions, some of the participants were seen using filler words such as 'uh', 'um', 'm', and 'eh' when responding to certain questions from the facilitator. The researcher indicated these in the transcripts, and referred to them as 'speech delay', which meant that the speaker paused before making the next utterance. Another aspect that was observed by the researcher is that certain participants, before responding to the question, looked at some pieces of papers on the desk in front of them. It was not clear for the researcher what they were looking at, and he did not ask. One other participant was also observed paging through some documents in front of her, before responding to a question.

The researcher also noticed that some participants were using their hands to demonstrate the aspects that they were explaining during their responses. Another participant kept quiet for some time before responding to a question. When responding, this particular participant started by laughing before giving a response, and this tempted other participants to laugh as well. There was one other participant in this group, who seemed to have run out of words during her response, and she used the isiZulu word '*ukuthi*' (literally meaning 'that'). Afterwards, she would proceed to explain in English. One other participant, whilst responding to the question, delayed her speech, which seemed as if she was searching for a word which would not come her way; she looked at other participants and asked them '*Ba re ke eng?*' ('What is it called?').

### **3.7 Recording of data**

For the purpose of the focus groups discussions, the data was collected using a video recorder. This was done in order to capture all communications of the participants, both verbal and non-verbal. This type of recording helps to avoid being selective in the collection of data and allows for a complete analysis of data (Sim 1998:347) The next instrument used in the collection of data was the questionnaire; it is discussed in the section that follows.

### **3.8 Questionnaires**

A questionnaire is a set of questions used in gathering information from individuals. It is a structured technique for collecting primary data, and it consists of a series of written questions for which the respondents have to provide answers (Bell 1999:1). It also serves as an inductive method aimed at formulating new theory and uses open-ended questions to explore a substantive area (Gill & Johnson 2002). Therefore, a questionnaire, as a qualitative method for data collection, is a fundamental tool for acquiring information on knowledge and perceptions and can provide valuable information (Bird 2009:1307). There are different types of questionnaires: structured, semi-structured and unstructured ones.

A structured questionnaire is a questionnaire that is rigid because the questions therein are prepared in advance, and participants respond strictly to the questions already determined by the researcher (Qu & Dumay 2011:244). A semi-structured questionnaire refers to a questionnaire that contains prepared questions, which are not rigid as the researcher may ask follow-up questions that are not contained in the questionnaires.

The value of using a questionnaire is that it is able to obtain data about peoples' attitudes, values, experiences, and past behaviour. However, questionnaires have a limitation, which is that the researcher does not have the opportunity to follow up on ideas and clarify issues that appear unclear (Bell 1999:34). In this study, a questionnaire was utilised to gather individual perceptions from court interpreters regarding the interpreting phenomenon. Scholars such as Bulmer (2004), Creswell (2003) and Patton (1990) express the view that a good questionnaire design is crucial in order to generate data conducive to the goals of the research.

Taking cognisance of this assertion, the researcher designed the questionnaire by aligning it to the aims of the study so that the collected data would directly speak to the questions asked in this study.

In the questionnaires, questions were also sequenced in a logical order to allow for a smooth transition from one question to the next. This ensured that questions flowed effortlessly, without difficulty or confusion as regards participants' understanding. The questions were open-ended. The advantage of using these types of questions is that they allow for freedom and spontaneity of answers, giving participants the opportunity to probe, which is useful for testing a hypothesis about ideas or awareness (Oppenheim 1992:303). McGuirk and O'Neill (2005:147) corroborate the view that open questions allow the time and space for free-form responses, which invite participants to share their understandings, experiences, opinions and interpretations of, as well as their reactions to social processes and situations. In order to produce reliable and valid results, the wording of each question must be precise and unambiguous to ensure that each participant can interpret its meaning easily and accurately (Bird 2009:1311).

The questionnaire comprised twenty questions that were aligned to the aims of the study. It was divided into two sections. The first section, called Section A, covered personal particulars of the respondent such as gender, age, the magistrate's office where the respondent was stationed, as well as the province under which it fell. No names were collected to promote anonymity. Under the same section, there were general questions dealing with qualifications, the first language of the respondent as well as other languages into which the respondent interprets.

Section B contained various subsections. The first sub-section focused on the training of the interpreters, their length of service and knowledge of interpreting, and the procedure followed when the DoJCD employed them. The following sub-section dealt with questions relating to the knowledge of models of interpreting. This sub-section was then followed by one dealing with issues pertaining to culture and specialised language, which includes the definition of the terms 'court interpreter' and 'court interpreting', as well as the duties of the court interpreter. This section further asked the respondents whom they think should define the role of court interpreters, and why. The last sub-section focused on the overall views on the state of court interpreting in South Africa.

Respondents were asked to list the challenges faced by court interpreters in this country, and whether there are training opportunities for court interpreters here. The last question asked the respondents to recommend ways of improving the profession of court interpreting in South Africa.

A total of 50 questionnaires were distributed among court interpreters in the Gauteng province from different magistrates' courts, for wider coverage. However, only 32 respondents completed the questionnaire. The researcher is of the opinion that one of the reasons why some respondents did not reply to the questionnaire might have been a lack of knowledge regarding the fundamentals of court interpreting.

Another method of data collection consisted of the courtroom observations; this is discussed in the section below.

### **3.9 Courtroom observations**

The term 'observations' describes the technique of gathering data through direct contact with an object, usually another human being, where the researcher watches the behaviour and documents the properties of the object (Potter 1996:98). Observations are used to supplement and clarify data derived from participant interviews. The data collected from observations can be used to shed light on the meaning of a participant's oral comments (Polkinghorne 2005:143).

There are two types of observation methods: structured and unstructured. In the following paragraphs these are explained in order to indicate which of the two is relevant to this study.

#### **3.9.1 Structured observations**

McIlpatrick (2008:310) defines structured observation as an approach in which the aspects of the phenomenon to be observed are operationally defined and decided in advance. The above definition suggests that structured observations are pre-planned and that the observer aims at looking for specific conduct or behaviour that leads to an understanding of the phenomenon. Pretzlik (1994) adds that structured observations describe behaviours accurately and reliably while removing subjectivity as far as possible, and set the boundaries of what needs to be observed prior to data collection.

Therefore, it is crucial for the researcher to develop a schedule or a checklist, which will serve the purpose of defining what exactly it is that she or he is trying to observe, as well as the terms that are to be investigated (Mcilfattrick 2008:310). It is for this reason that Mulhall (2003:307) remarks that in structured observations the observers or researchers have to remain objective and should not be participants, in order to avoid any contamination of the data with their preconceptions. In abiding by the above view, the researcher's duty was to observe and record what was happening during court proceedings, and only later to analyse these observations. In this study, unstructured observations were not used because the researcher's focus was on looking at what court interpreters were doing when interpreting.

The aim was to see if what they were doing during interpreting was a real representation of the phenomenon of interpreting. In the next section, the study discusses unstructured observations.

### **3.9.2 Unstructured observations**

Mcilfattrick (2008:312) states that the unstructured observation method of data collection adopts an inductive and a naturalistic approach, which is qualitative and flexible in nature. This type of observation is regarded as being unstructured due to the fact that the researcher does not use a list of predetermined behaviours that need to be observed (Mulhall 2003:307). In other words, the observer using an unstructured method will normally enter the field where observations are to be conducted, without having any predetermined list of what is to be observed. This was the case in this particular study. Mulhall (2003:307) explains that unstructured observations do not mean that the researcher does not have an idea of what to observe. He or she has ideas; however, these might change over time during data collection, and also as the researcher gains experience in the particular setting. The above, however, does not make unstructured observations less effective than the structured observations. In contrast with the structured observations, the advantage of the unstructured approach relates to the idea that structured qualitative methods might be considered as too 'mechanistic' and 'superficial' to render a meaningful account of the intricate nature of human behaviour (Polit & Hungler 1995:307).

Unstructured observations are flexible in nature and not as rigid as structured observations.

The flexibility of the unstructured observations allows the observer to look at different aspects during observations that may lead to concrete rather than biased findings. In other words, unstructured observations do not leave room for criticism of having looked at certain aspects but not others. The flexibility offered by unstructured observation is what attracted the researcher to the method. Adler and Adler (1994:378) add that unstructured observations are made in the natural context of occurrence, among actors who would naturally be participating in the interaction, and follow the natural stream of everyday life. This allowed the current researcher to observe court interpreting as it took place during court proceedings with all courtroom participants present. It is for these reasons that this study favours an unstructured observation method for the collection of data.

In this study, as indicated, court observations were carried out at the Pretoria Magistrate's Court in the Gauteng province, where court proceedings in both district and regional courts were observed. During observations, the researcher recorded what transpired during proceedings, with specific focus on the communications between courtroom participants and the interpreter's interpretations.

Since observation methods were used in conjunction with interviews, the observation method also explored whether court interpreters do what they claim to do during interpreting (Mulhall 2003:308). Mays and Pope (1995:184) mention that an important advantage of observations is that they help to overcome the discrepancy between what people say and what they do in action. In the light of this assertion, observations also helped to illuminate the court interpreters' actions and how these actions relate to their definition of the phenomenon of interpreting. According to Hammersley (1990:597), to rely on what people say about what they believe and do, without also observing what they do, is to neglect the complex relationship between attitudes and behaviour. Furthermore, to rely on observation without talking with people in order to understand their perspectives, is to risk misinterpreting their behaviour. This advantage circumvents biases inherent in the accounts people give of their actions caused by factors such as the wish to represent themselves in a good light, differences in recall, selectivity, and the influence of the role they play (Mays & Pope 1995:184). Mays and Pope (1995:184) further add that observations may additionally uncover behaviour or routines, which the participants may not be aware of.



This, consequently, enables the researcher to observe whether the role that court interpreters play during court proceedings is representative of the phenomenon of interpreting.

Patton (1987:70) notes that the quality of observational data is highly dependent on the skill, training, and competence of the evaluator as some significant observations are not immediately apparent. In other words, producing useful observational data requires training and experience.

The following section deals with the purpose of interviews and shows how these are relevant to this study.

### **3.10 Interviews**

Since the methodology used in this study is qualitative, the study also made use of interviews as one of the tools for the collection of data. Studies using the qualitative research method focus on examining people's experiences and perspectives (Roulston 2013:2). As such, the aim of this study for using interviews was to gather information regarding court interpreters' perceptions of their task of interpreting and the challenges that they face during this task. Scholars such as Amaratunga *et al.* (2002:25) favour the above approach since the goal of any qualitative research interview is to see the research topic from the perspective of the interviewees: in other words, to understand how and why they come to have a particular perspective about a phenomenon in question. This approach was followed in the current study, and the interviewees were specifically asked certain questions regarding what they were observed doing and why they did it in this particular way.

#### **3.10.1 The importance of interviews in qualitative research**

According to Flick (2009:222), interviews are suited for understanding people's perceptions and experiences. Since the interviews for this study were conducted with different court interpreters, interviews are regarded as beneficial, as an exchange of views that produces knowledge on a topic of mutual interest, between two or more people (Cohen *et al.* 2007: 349). Potter (1996:96) defines interviewing as a technique of gathering data from humans by asking them questions and causing them to react verbally; the purpose is to gain a full and detailed account, from the interviewee, of the experience under study.

Kvale (2006:481) explains that in qualitative interviews, social scientists investigate varieties of human experience and attempt to understand the world from the participants' point of view. One way of investigating these varieties of human experience is to conduct interviews with people belonging to a certain group and who share the same experience. Interviews in a qualitative study are not just an ordinary, everyday conversation, but are conversations with a specific purpose (Dyer 1995:56-58). Interviews, therefore, enable the court interpreters who are participants in this study, to relate their experiences and understanding of the interpreting phenomenon. Moreover, interviews allowed the respondents to express their own point of view about this phenomenon (Cohen *et al.* 2007:349).

Oppenheim (1992:81-82) states that one advantage of interviews is that the participants become more involved and motivated, and as a result, offer more information about the topic researched than they would have done in the questionnaires. Scholars such as Berry (1999:1) refer to the above approach as an 'in-depth' interview, and state that it helps elicit more information to achieve a holistic understanding of the interviewee's point of view regarding the phenomenon researched.

Although a number of scholars, as discussed above, view interviews as one of the most important qualitative data collection methods, some scholars warn against utilising this method. One such scholar is Alvesson (2003:16) who advises that although interviews offer considerable benefits for qualitative researchers, there is a danger of simplifying and idealising the interview situation. The assumption made in respect of the above, is that the interviewees are competent and moral truth tellers acting in the service of science and producing the data to reveal their experiences or the facts of the phenomenon under study.

Denzin and Lincoln (2005:12) maintain that some quantitative researchers criticise the empirical data produced by interpretive methods, such as the interview, as unreliable, impressionistic, and not objective. Qu and Dumay (2011:239) criticise the views held by quantitative researchers in respect of the interview method, and state that their assertions are based on the notion that they regard interviews as nothing more than casual everyday conversations.

As a result, these researchers fail to acknowledge that a research interview is characterised by asymmetry of power in which the researcher is in charge of questioning a more or less voluntary, but also sometimes a naive interviewee (Qu & Dumay 2011:239).

It is their argument that conducting a qualitative research interview is not a trivial enterprise, since it requires not only the use of various skills, such as intensive listening and note taking, but also careful planning and sufficient preparation (Qu & Dumay 2011:239). Although this method has its weaknesses, the interview was used as a method of collecting data, and the limitations of this method were countered by other methods that were also used to collect data.

### **3.11 Types of interviews**

There are three different types of interviews, namely structured, unstructured, and semi-structured interviews. The sections that follows discusses these types of interviews to indicate the one relevant to this study.

#### **(i) Structured interviews**

According to Qu and Dumay (2011:244), a structured interview is a process where the interviewer asks interviewees a series of pre-established questions from a script, which allows only a limited number of response categories. The above definition shows that structured interviews are rigid as the questions are prepared beforehand, and respondents cannot deviate from this arrangement. Although this method is preferred in a qualitative study, some scholars such as DiCicco and Grabtree (2006:314) argue that it often produces quantitative data. This argument is based on the fact that structured interviews make the participant a conduit from which information is retrieved. However, Berg (1998:61) suggests that the rationale for the structured interview is to offer approximately the same stimulus to each participant and to ensure that responses to the questions are comparable. This is possible as there is little flexibility in the structured interview approach, which ensures that participants do not deviate from the sequence of questions or improvise by adding to the answer category (Fontana & Frey 1994).

Doyle (2004:26) counters the criticism that the generalisability and potential bias of the researcher could be misplaced, since using similar criteria for questions to those used to evaluate the scientific value of quantitative methods is possibly disadvantaging the qualitative researcher's view of structured interviews.

This study does not favour the method of structured interviews, because the researcher did not know in advance what would transpire during the observations that are followed by the interviews. This is in line with Qu and Dumay (2011:245) who remark that the structured interview proceeds from the assumption that the interviewer does not know in advance all the necessary questions. This, as a result, makes the structured interview inapplicable to this study. The disadvantage of this method is that certain aspects that may need clarity from the respondents would remain unclarified, thus leaving such aspects unaccounted for by the respondents. This may render the study biased. It is for this reason that the structured interview method was deemed not applicable to this study.

## **(ii) Unstructured interviews**

DiCicco and Grabtree (2006:315) define an unstructured interview as a type of interview in which the interviewer elicits information about the meaning of observed behaviour and interactions, with questions emerging over time as the researcher learns about the setting. In pointing out the importance of using the unstructured interview method, Berg (1998:61) mentions that not all interviewees will necessarily understand the wording of the question in the same way. The implication here is that unstructured interviews allow the interviewer an opportunity to elicit more information by asking interviewees certain questions for further elaboration or clarification if something is unclear.

Myers and Newman (2007:4) approve of this approach and point out that during the unstructured interview the researcher may have prepared some questions beforehand, but that there may be a need for improvisation of certain aspects. This relates to instances where the researcher seeks clarification by way of asking further questions than those in the prepared questionnaire. In the following section, the semi-structured interview will be discussed.

### **(iii) Semi-structured interviews**

Qu and Dumay (2011:244) define a semi-structured interview as an interview that involves prepared questions guided by identified themes in a consistent and systematic manner, interposed with probes designed to elicit responses that are more elaborate.

This study followed the pattern of the semi-structured interviews; the interview questionnaire is attached as Appendix J in this study. This method is regarded as flexible, accessible, intelligible and more importantly, it is capable of disclosing important and often hidden facets of human and organisational behaviour (Kvale & Brinkmann 2009). The above aspect was demonstrated in this present study where the respondents were asked certain questions not contained in the interview questionnaire for purposes of clarity regarding the responses offered by the respondents.

Because this method has its basis in human conversation, it allowed the interviewer to modify the style, pace, and ordering of questions to evoke the fullest responses in the interviewee (Qu & Dumay 2011:244). The semi-structured interview method also requires a great deal of care and planning beforehand, during and after the interviews with regard to the manner in which questions are asked and interpreted in order to obtain the results envisaged (Qu and Dumay 2011:244). This condition was adhered to in this study, as highlighted during the discussion of the preparations for the data collection.

In this study, the researcher acknowledges that since the interviewees would not know the questions to be asked beforehand, it was crucial to structure these questions to be stated clearly, in order to avoid confusion amongst the interviewees. This would allow them to provide clear responses. Kvale (1996) advises that with regard to planning the interview, interviewees need to be provided with, among others, a context for the interview before and a debriefing afterwards. This can be done by explaining to the interviewee the purpose of the interview and providing the interviewees with an opportunity to ask questions, if any, before the start of the interview. During interviews, it was necessary to rephrase questions where it appeared that the interviewee did not understand the question.

The approach indicated above is recommended by (Kvale 1996), who states that sometimes specific or direct questions are recommended to avoid misunderstanding.

Scholars such as Fisher (2007) suggest that in order to alleviate problems that might arise during the interview, it is advisable that the researcher sends the interviewees correspondence as regards their appointment for the interview together with a copy of the questionnaire. This is to ensure that full and accurate responses are elicited during the interview session. In following Fisher's recommendation, for purposes of this study, the researcher arranged dates with the respondents for the collection of the data, which the respondents confirmed. However, he did not send the interview questionnaires to the interviewees beforehand as suggested by Fisher above, as he considered this disadvantageous for the study. The reason was that the researcher feared that the interviewee could be tempted to discuss or seek information from other people regarding the questions in the questionnaire. As a result, they might present responses which were not theirs.

The aim of the interviews, as mentioned, was to gather information regarding the respondents' perspectives about the phenomenon of interpreting and issues relating to this phenomenon. The researcher aimed at doing this without the respondents being influenced or assisted by other parties. The interview questionnaire comprised of ten questions relating to the aspects of interpreting. Due to the challenges that the researcher experienced in getting hold of court interpreters to interview them, and the fact that many did not make themselves available for the interview, the researcher only managed to interview five such interpreters. The questionnaire is attached as Appendix J.

In the next section, triangulation is discussed in detail to show its relevance to this study.

### **3.12 Triangulation**

This study gathered data about the phenomenon of interpreting and aspects relating to it using more than one method of collecting, analysing and interpreting the data, namely through questionnaires, focus groups, court observations, and interviews. Because data in this study was collected using a variety of different methods, this method is referred to as triangulation.

Triangulation implies that the researcher seeks convergence between the data collected from different sources so that the readers of the study can have greater confidence in the credibility of the findings of the study (Bowen 2009:30). Data collection using triangulation implies that a single point is considered from different and independent sources; this approach brings about consistency across data sources or approaches (Decrop 1999:157). The purpose of triangulating in this study was to corroborate findings across all the data sets collected. Furthermore, the purpose was to reduce the impact of potential biases that may exist in the analysis of a single set of data, and this was done in order to avoid criticism of such data (Eisner 1991:110). This approach is referred to as a cross-checking method for regularities in the data obtained from multiple sources (O'Donoghue & Punch 2003:78).

This method of collecting data in this present study enabled the researcher to examine and analyse the phenomenon of interpreting from different angles so as fulfil the purpose already mentioned: to acquire an in-depth understanding of the process of interpreting in South Africa.

This was important for purposes of formulating a model that depended on a truthful representation of what interpreting is. Triangulation, therefore, gave the researcher ample scope to verify findings or to corroborate evidence from one source of data with other sources from other data (Bowen 2009:30).

Mayer (2015:59) avers that even if triangulation leads to convergent results, this does not mean that the results are unquestionable. This does not invalidate triangulation, as Patton (1990:1192) claims, in that the advantage of triangulation is that each method which is used is able to reveal different aspects of empirical reality, and the analysis of these aspects can provide more information. In the current study, triangulation allowed the researcher to compare and analyse the data collected according to themes, to establish how many participants provided the same definition regarding the same aspect or phenomenon. This is in accordance with the views of Patton (1990:1194) who states that triangulation can be used in analysing the qualitative and quantitative data as a form of comparative analysis.

Henderson (1991:1) regards this approach as one way of guarding against the accusation that the findings of a researcher's study are simply an artefact of a single method, single data source, or a single investigator's bias. However, if the results from triangulation are not consistent, it might not be the case that those studies are wrong (Patton 2002:544). Rothbauer (2008) concurs that the concept behind using triangulation is that one can be more confident if different methods lead to the same result. In the following section, the study discusses how the collected data was analysed.

### **3.13 Data analysis of questionnaire, observations, and interviews**

This study made use of content analysis in analysing the questionnaire, transcripts of the observations and of the interviews, as these were in the form of written text. According to Downe-Wamboldt (1992:314), content analysis is a research method that provides systematic and objective means to make valid inferences from verbal, visual, or written data in order to describe and quantify specific phenomena; it is concerned, among other aspects, with meanings and context. In this study, content analysis was used to analyse transcripts containing the responses of court interpreters about the phenomenon of interpreting, during the focus groups, questionnaires, observations, and interviews.

The above approach is in line with Hsieh and Shannon's view (2005:1278) that the content analysis research method is used to analyse text data, which might be in verbal, print, or electronic form and might have been obtained from narrative responses, open-ended survey questions, interviews, focus groups, and observations. The content analysis approach is not unique to this study as it was followed in earlier interpreting studies where metaphors and metaphorical language descriptions used by interpreting practitioners were analysed (Roy 1993 in Pöchhacker & Shlesinger 2002:347). Its importance lies in the fact that it gives the researcher the opportunity to compare and contrast data from two different languages.

The application of content analysis in this study was threefold: conventional, directed, and summative. Conventional content analysis in a qualitative research inquiry is a process whereby coding categories are derived directly from the text data.



A code refers to a word or short phrase that symbolically assigns a summative, salient, essence-capturing, or even evocative attribute to a portion of language-based or visual data (Hsieh & Shannon 2005:1277). Coding refers to categorising definitions of the concept of interpreting by court interpreters into themes. In other words, the definitions and descriptions of this concept provided by different individual court interpreters were compared to see how many similar definitions had been provided; thereafter, such definitions were interpreted.

According to Humble (2009:37), directed content analysis is appropriate to use when research deals with a phenomenon that would benefit from further description with the goal of validating or extending conceptually a theoretical framework or theory. Hsieh and Shannon (2005:1277) define summative content analysis as involving the counting and comparisons of keywords or content that will be followed by interpretation of such texts. Summative content analysis was applied in this study in that definitions and descriptions of the concept of interpreting as well as the process thereof, provided by different individual court interpreters, were compared to see how many similar definitions had been provided, after which such definitions were interpreted.

In analysing the focus groups data, a template was used. The participants' responses were captured in this template indicating questions, themes, and the participant number.

The purpose of using the template was to indicate themes derived from participants' responses to a question, and the number of participants who provided similar themes. This pattern was followed in every question discussed during the focus groups.

### **3.14 Conclusion**

The aim of this chapter was to discuss the methodology and methods of data used to collect data in this study. The qualitative method was selected in this study because of its descriptive nature, and its ability to define, describe, explain, and explore the phenomenon of interpreting in this study. In this study, the qualitative research tools that were utilised were focus groups, interviews, questionnaires, courtroom observations, and interviews.

The selected research instruments were relevant during focus group discussions and in the completion of the questionnaire because they enabled the researcher to collect the data from court interpreters by asking them to define, describe, and explain the phenomenon of interpreting and issues pertaining to it, which was the main focus of the study. Courtroom observations were used to observe whether what the court interpreters were doing when interpreting, represented what they said interpreting was. After observations, the court interpreters were asked certain questions regarding their role during interpreting. The data was analysed using content analysis and a thematic approach, by identifying, analysing, and reporting patterns or themes within the data.

However, before the collection of the data, the researcher applied for ethical approval because the data was to be collected from human participants. As mentioned earlier, two ethical approvals were applied for, and were granted. The main challenge that the researcher encountered was that of getting hold of the court interpreters for the interviews. The possible participants explained that they could not attend the interviews, as they had to rush for public transport to travel home. The qualitative methodology chosen and the research instruments used for the collection of data proved to be applicable to the present study, as the researcher was able to collect data, which yielded the results envisaged by the study. This research methodology and some of the research instruments used in this study had already been tested during the research study in Lebesse (2015). The next chapter will focus on the analysis of the data collected.

## **CHAPTER 4**

### **DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

#### **4.1 Introduction**

This chapter presents and analyses data that was specifically collected for this study. A thematic approach will be adopted in the chapter. This process involves arranging the data consisting of interviews, focus groups, observer notes made during the focus group discussions, and questionnaires conducted with key stakeholders into data sets. In this chapter the following two aims of the study are addressed; to:

- investigate how South African court interpreters perceive the phenomenon of interpreting and the challenges they encounter in the field ; and
- examine how international models function in the South African context and their impact in the courts of law.

The last aim of formulating an interpreting model that is informed by the South African languages, cultures and court experiences will be addressed in the next chapter. The analysis will be carried out in line with the DTS theory which seeks to describe and explain how interpreting takes place in the court interpreting environment. The following codes were used to identify the participants so as to maintain their anonymity:

QP = Questionnaire Participant.

FGP = Focus Group Participant.

For example, Focus Group 1 is referred to as FG1 and the participants in the focus group are referred to as FG1P3, which means Focus Group 1 Participant 3. The next section presents the participants' demographics, that is their biographical data in terms of age, education, and length of employment. Because the respondents were of different ages, a tabular format was used to group the ages.

#### **4.2 Biographical data of the participants**

Of the 32 respondents that completed the questionnaire, only one did not state his/her age; thus he/she could not be classified in any group.

Although this specific questionnaire contained other information, it could not be analysed due to lack of the variable of age, because it could not be grouped according to any of the ages. Table 4.1 below presents the information on the 20-30 years age group.

*Table 4.1: Questionnaire participants' demographics 20-30 years*

Age	Gender	Educational background	Interpreting training background	Period of employment
20-25 years	1 Female	Matric + National Diploma in Language Practice	3 days workshop offered by Department of Linguistics and Modern Languages at Unisa	6 months
26-30 years	<u>Males: 0</u>	0	0	0
	<u>Females 4</u>			
	Female 1:	Matric	None	2 years
	Female 2:	Matric + Certificate in Debt Recovery	None	3 years 9 months
	Female 3:	N6 Management Assistant Certificate	None	1 year 9 months
	Female 4:	Not stated	Not stated	Not stated

The table above shows that in the age group between 20 and 25 there was only one female court interpreter who had attained Matric and a National Diploma in Language Practice. Adding to this, the respondent had attended a three-day workshop offered by the Department of Linguistics and Modern Languages at Unisa. This court interpreter, at the time of collecting data, had only been in the employment of the DoJCD for six months. Considering the educational background of this particular respondent, and the fact that she had attended a workshop on the training of court interpreters, this respondent was likely to be knowledgeable on interpreting. Table 4.1 also shows that between the ages of 26 and 30, there were four female court interpreters and no males.

QP2 indicated that she had a Matric qualification only, while QP3 had obtained a Matric qualification and a Certificate in Debt Recovery. QP4 possessed the qualification of N6 Management Assistant Certificate. QP5 did not indicate her educational qualification. Of the four respondents in the above age group, three did not have any interpreting training background. QP5 did not indicate whether she had received interpreting training or not. QP2 reported two years' experience, QP3 had three years' and nine months, QP4 had one year and nine months' experience, while QP5 did not indicate her period of service. This data shows that some interpreters who are below 30 years of age do not have relevant qualifications in the field of interpreting. That is, they do not hold any qualifications in languages and/or interpreting. Lack of relevant qualifications coupled with lack of experience cannot be healthy for the justice system of the country. This shows that training is integral in the field of interpreting. The following table presents the demographics of interpreters who were 31-35 years of age.

*Table 4.2: Questionnaire participants' demographics 31-35 years*

Age	Gender	Educational background	Interpreting training background	Period of employment
31-35 years	<u>Males 3</u>			
	Male 1:	Diploma in Office Computing	None	12 months
	Male 2:	Not stated	3 days' workshop offered by Department of Linguistics and Modern Languages at Unisa	Not stated
	Male 3:	Matric + Diploma in Safe Food Holding	None	Casual
	<u>Females: 3</u>			
	Female 1:	Matric	None	Not stated
	Female 2:	N4 Computer Practice and Office Administration	None	9 months
	Female 3:	Matric and Diploma in Journalism	None	11 years

In this age group of ages 31 to 35, there were three males and three females. With regard to the male respondents, QP6 had obtained a Diploma in Office Computing, with no interpreting background and 12 months' experience as an interpreter at the DoJCD. QP7 did not state his educational qualification or his period of service; but mentioned that he had attended a three-day workshop offered by Unisa's Department of Linguistics and Modern Languages. QP8 had attained Matric and a Diploma in Safe Food Holding and mentioned that he was working as a casual interpreter but did not state the period of employment. Of the three females, QP9 had passed Matric but her period of employment was also not stated. She did not attend any training.

QP10 had gained a N4 Computer Practice and Office Administration qualification but had no interpreting background and had been employed for nine months by the DoJCD. QP11 had attained Matric and a Diploma in Journalism, had not attended any training and had been in employment for 11 years. In this age group, all participants possessed qualifications that had nothing to do with interpreting, which shows that they were hired purely on the basis of their ability to speak two languages. Only one participant had attended a three-day workshop at Unisa; this in itself is not enough to train an interpreter in the field. The next table discusses the biographic details of interpreters between the age of 36-40. This age group is assumed to be experienced in the field of interpreting.

*Table 4.3: Questionnaire participants' demographics 36-40 years*

Age	Gender	Educational background	Interpreting training background	Period of employment
36-40 years	<u>Males 4</u>			
	Male 1:	Diploma in Health and Science + Diploma in Safety and Management	None	29 years as a casual interpreter
	Male 2:	Matric	Not stated	None
	Male 3:	Matric	No stated	1 year
	Male 4:	Paralegal	None	Not stated
	<u>Females 2</u>			
	Female 1:	Matric + Studying Certificate in HR Management	Attended: 1. Beginners course for interpreters 2. Advanced course for interpreters 3. Sexual offences course for interpreters 4. Advanced course for managerial development	13 years
	Female 2:	Diploma in Secretarial and Administration	None	Not stated

The above table records the biographic details of interpreters from 36 to 40 years of age. In this age group, there were four males and two females. Of the four male respondents, QP12 possessed a Diploma in Health and Science as well as a Diploma in Safety and Management, had been employed as a casual interpreter for 29 years and had never attended any training.



QP13 had gained a Matric qualification, with no interpreting background and had never attended any training. QP14 had attained Matric, did not state his interpreting background and had one year's experience as a court interpreter. The last respondent, QP15 possessed a paralegal qualification, with no interpreting background and did not state his period of experience. With regard to the two female respondents, QP16 was in possession of a Matric certificate and was also studying towards Certificate in HR Management. QP 17 indicated possessing a Diploma in Secretarial and Administration, with no interpreting background, and did not state the period of employment. Of the six interpreters in the group, two had experience beyond ten years, which was a bonus because they might have known more about the profession through practice, though they had never trained for any interpreting qualification. This confirms that interpreters in South Africa do not value training. The next table indicates the demographics for interpreters who were 41-45 years of age.

*Table 4.4: Questionnaire participants' demographics 41-45 years*

Age	Gender	Educational background	Interpreting training background	Period of employment
41-45 years	<u>Males 3</u>			
	Male 1:	Food handling certificate	None	Not stated
	Male 2:	Matric	None	4 years
	Male 3:	Bachelor of Social Science Honours	None	2 years
	<u>Females 4</u>			
	Female 1:	Diploma in Secretarial Studies	None	Not stated
	Female 2:	Not stated	None	Not stated
	Female 3:	Matric	2 x 3 weeks' workshops offered by DoJCD	18 years
	Female 4:	Diploma in Street Law	2 x 3 weeks' workshops offered by DoJCD	17 years

The table above is in respect of respondents who were between the ages of 41 and 45. In this age group, there were three males and four females. Of the three male respondents, QP18 possessed a Food Handling Certificate, with no interpreting background and did not state the period of employment. QP19 had gained a Matric, had no interpreting training background and four years' experience as a court interpreter. QP20 was in possession of a Bachelor of Social Science Honours; with no interpreting training background, and had been employed in the DoJCD for two years. With regard to the female respondents, QP21 had attained a Diploma in Secretarial Studies, with no interpreting background; she did not state her period of work experience with the DoJCD. QP22 did not mention her educational qualifications, but she did declare that she never had any interpreting background.

This respondent did not state her years of working experience at the DoJCD. QP23 possessed a Matric qualification; attended two workshops offered by the DoJCD and had 18 years' experience as an interpreter in the DoJCD. QP24 had obtained a Diploma in Street Law; attended two three-week workshops offered by the DoJCD and had 17 years' experience as a court interpreter. These results show that even the more experienced interpreters do not invest in their education but rely on experience. The next table presents the demographics for those who were 46-50 years of age.

*Table 4.5: Questionnaire participants' demographics 46-60 years*

Age	Gender	Educational background	Interpreting training background	Period of employment
46-50 Years	<u>Males 4</u>			
	Male 1:	Matric	3 days' workshop offered by the Department of Linguistics and Modern Languages at Unisa	Casual
	Male 2:	Diploma in Legal Interpreting	3 x 3 weeks' workshops offered by DoJCD	19 years
	Male 3:	Advanced Diploma in Bookkeeping	None	Casual over 10 years
	Male 4:	Matric	None	1 year
	<u>Females 1</u>	Matric	3 weeks' workshop offered by DoJCD	20 years
51-60 years	<u>Males 1</u>	Matric + Audiometric Certificate	None	Not stated
	<u>Females 1</u>	Diploma in Legal Interpreting	1. Workshop offered by DoJCD 2. Workshop offered by City of Tshwane	28 years

In the table above, there were four males and one female between the ages 46 and 50. Of the male respondents, QP25 had attained a Matric qualification, and had attended a three-day workshop for the training of court interpreters offered by the Department of Linguistics and Modern Languages at Unisa. He was employed as a casual court interpreter but did not mention the period of employment at the DoJCD. QP26 possessed a Diploma in Legal Interpreting, attended three 3 weeks workshops offered by the DoJCD and was employed by the DoJCD for 19 years. QP27 had obtained an Advanced Diploma in Bookkeeping, never had any interpreting training background and was employed by the DoJCD as a casual interpreter for 10 years. QP28 had gained Matric, without an interpreting training background, and was employed by DoJCD as a court interpreter for a period of one year. The female respondent, QP29, was in possession of a Matric qualification, attended a three weeks' workshop offered by the DoJCD, and had been employed as a court interpreter for 20 years. Two participants in this age group had much experience in the field and it was assumed that they were more knowledgeable on interpreting and would add value to this study.

The last group in Table 4.5 above is the 51-60 years category. The group comprised one male and one female. The male respondent, QP30, had obtained a Matric and Audiometric Certificate. He had never received any interpreting training background and did not state his period of employment. The female respondent, QP31, possessed a Diploma in Legal Interpreting, and had attended two workshops, one offered by DoJCD and the other by the City of Tshwane. This respondent had been employed for 28 years as a court interpreter. The participants' experience in the field is a positive factor because it was assumed they would contribute more on the issues under discussion.

The biographical data that is presented above shows that there were 15 males and 16 females who completed the questionnaire. This scale seems to suggest that one is likely to find slightly more females than males in the profession of interpreting. The first group was between 20 and 25 years, which implies that people join the profession of interpreting soon after competing Matric, which supports the data presented in Chapter 2 that most people join the profession of interpreting without an interpreting qualification. This is in line with the criteria for employment used by the DoJCD.

On the issue of a relevant qualification in interpreting, only three of the 32 respondents were in possession of a relevant diploma. Of these three, two were in possession of a Diploma in Legal Interpreting, and one had a National Diploma in Language Practice. A further 10 respondents were in possession of a Matric qualification, while another four respondents had Matric plus another qualification not relevant to interpreting. Another 10 respondents indicated having obtained other qualifications than a Matric certificate; these ranged from certificates to diplomas. The last four respondents did not state their qualifications. Although a greater number of the respondents were found to be in possession of a Matric plus other qualifications, these qualifications were not relevant to interpreting. This demonstrates that court interpreters enter the profession without relevant qualification in interpreting. Their lack of interpreting training or qualification may contribute to poor performance. It is the researcher's view that court interpreters should be encouraged to take courses that are relevant to interpreting, and a Matric qualification and a certificate or diploma in interpreting should be a minimum requirement to be admitted as an interpreter. Unless court interpreters are legally compelled to be in possession of interpreting qualifications, the profession will see many people from other fields entering this profession (Gile 2009:11), to the detriment of users of these language services.

Additionally, the biographical data presented above indicates that out of the 31 respondents, only 10 had attended interpreters' training workshops. It is however not clear at what stage they attended these workshops. In the literature review, Moeketsi and Wallmach (2005:79) revealed that court interpreters are provided with a six-week training course, which takes place only after appointment of these court interpreters. In essence, this training course is supposed to take place before the court interpreter begins to interpret in court and not after. Yet most of the interviewed participants had not attended this course by the time of collecting data for this research. Furthermore, there are instances where court interpreters wait for up to five years before doing so. The lack of prior training is proof that they work without any proper guidance, and as a result, this leads to poor performance which has been lamented by, among others, Moeketsi (1999b:132). This may well impact negatively on their performance.

It will be recalled that the first aim of the study is to investigate how South African court interpreters perceive the phenomenon of interpreting and the challenges they encounter therein. The next section addresses this aim.

#### **4.3 Perspectives of South African court interpreters on the interpreting phenomenon**

The data that was used to fulfil this aim was drawn from the questionnaires and focus group discussions. In the questionnaire, interpreters were first asked what motivated them to become interpreters. The researcher believes that the internal and external factors that motivate them could reveal how interpreters feel about their job. The following table illustrates the responses of the respondents from the questionnaire regarding the above question.

*Table 4.6: Internal and external motivating factors (Questionnaire)*

<b>Responses</b>	<b>Number of respondents</b>
Desire to help those who are restricted by language	10
Passionate about languages, learning, understanding and communicating with different people	8
To learn more about criminal matters	2
Love working with people and see this as an essential service that is rendered to the public	3
Like the job	2
Experienced an unfair trial due to communication barrier, then developed the desire to speak languages and express thoughts	2
Have a background in translation	1
Got bored working at a call centre and needed a job that is challenging	1
Participated in a mock trial competition and developed an interest in interpreting	1
Interested in learning other languages	1
Learn about other people's cultures	1
Wanted to further their studies, and court interpreting gave them a chance to study	1

Table 4.6 above shows that the reasons court interpreters have for joining the interpreting profession were varied, such as a passion for language and communication, a desire to represent others, providing essential services and bringing justice to others, among others. These aspects are categorised and explained in detail below.

**(i) Desire to help others**

Ten respondents said they were motivated by the desire to help others who are restricted by language constraints. Of the ten, two respondents stated that they were motivated by the desire to speak on behalf of others. Their desire and willingness to help other people is commendable. QP12 mentioned that the choice of becoming an interpreter stemmed from wanting to speak on behalf of those who cannot express themselves. Four other respondents supported the view of the above two respondents. These respondents stated that their motivation to become interpreters was because they wanted 'to help people to express themselves'. QP4's direct words in this regard were, 'Language restricts people, and I want to help those who are restricted'. The disadvantage of the 'helper' attitude is that those who see themselves as 'helpers' or 'saviours' tend to overstep their boundaries in a bid to help. They also tend to make decisions on behalf of clients as reflected in the helper model, which is not encouraged in the field of interpreting. Interpreters should act as professionals at all times.

**(ii) Passion**

Eight of the respondents said that they were motivated by their love or passion for languages and communication to become interpreters because they like the job. QP29 said, 'I did have passion for anything that had to do with languages since I was at school'. QP2 also asserted, "language is something that I have and I am proud to use it, and willing to assist", while QP15's direct words were 'The love of language and the passion of public speaking motivated me to become an interpreter'. QP8 stated, 'I have developed the love for language when I was a translator, and I realised that I can interpret orally'. What can be noted is that the participants share a common love for languages and as a result work in a field they are passionate about. Another positive aspect about these responses is that the participants understand that they facilitate communication.



Having a passion for the profession is commendable because this could motivate the interpreters to learn more about the job. Shambourger (2017:53) emphasises that passion in communicating can develop a strong desire in becoming an interpreter. In other words, passion may lead one to strive to improve and become a good interpreter, though it was disappointing to note that even the most experienced interpreters had not attempted to attain qualifications in the field. One of the interpreters stated that he became an interpreter because he is passionate about public speaking. This motivating factor shows that the aim is not to serve but to fulfil a personal ambition, where interpreting is a platform. Without question, public speaking or speaking skills are some of the most important techniques required of an interpreter (Gentile *et al.* 1996:47), but for these to be a motivating factor for joining the interpreting profession is wrong. This points to a self-serving and exhibitionist attitude.

### **(iii) Desire to bring justice to people**

This theme was formulated from the responses of two respondents. QP27 mentioned having experienced an unfair trial due to language barriers. QP30 also said that the motivation for becoming an interpreter was the result of observing the injustices done to the accused due to incompetent interpreters. This situation prompted the respondents to draw the conclusion that many innocent people end up in jail, because there is no one who can speak for them in their mother-tongue. The passion to see justice carried out might motivate these interpreters to learn more about their trade and provide better services which is commendable. The experiences of these interpreters prove that court interpreters are an important variable in seeing that justice is done in the courtrooms.

### **(iv) Interpreting as a platform to learn about other cultures**

QP9 mentioned that she was motivated to become an interpreter in order to learn other people's usage of culture-specific language, in order to interpret these culture-specific utterances so that other people could understand the message. Undoubtedly, culture is an important variable in interpreting, but to use interpreting as a learning platform is not encouraged because the freedoms of other people are involved.

No one can debate that in the execution of every job there are lessons to be learnt, but training is supposed to take place prior to practice, not the other way around. This theme is similar to that of using interpreting as a platform to learn about other languages; this training should have taken place beforehand. Users of language services expect that the people who represent them know what they are doing and that they are trained, and this should be the focus of the Department of Justice and Constitutional Development, in hiring trained interpreters.

#### **(v) Joining interpreting out of boredom**

QP3 was motivated to become an interpreter out of boredom, remarking 'I got bored working as a Call Centre Agent and I wanted something or a job which would challenge me on a daily basis'. This statement has both negative and positive aspects. The positive side may be that an individual might need a challenging task, like interpreting, where he or she could contribute immensely towards the wellbeing of others. This might be the case with regard to this respondent. The negative side of this may be that one chooses interpreting with the hope that it might relieve him or her of boredom, without considering the challenges involved in this task; this might backfire and affect the way they carry out their duties. Interpreters are encouraged to join the profession for the right reasons so that they may carry out their duties with passion and dedication.

#### **(vi) Joining because of translation experience**

It was noted in the interviews that some interpreters confused interpreting with translation, which is a common experience as discussed in Chapter 2. The theme of comparing translation to interpreting was derived from the response of QP8 who stated that previously he had been a translator. The respondent stated that the motivation to become an interpreter developed due to working as a translator and realising that both interpreting and translation deal with languages; accordingly he made a switch to interpreting. One may argue that the respondent's thinking is based on the notion that the theory of translation has influenced the theoretical assumptions in interpreting, even though the latter evolved differently.

However, it is important to state that it is possible for a translator to understand what interpreting entails, because the two overlap and translation has profited interpreting by means of its theories. This, however, does not mean that a translator can automatically become an interpreter.

The translator who wants to switch over to interpreting will have to understand the theories and practice developed for interpreting, as they differ from those of translation. One difference is that translation deals with written messages whilst interpreting deals with spoken messages, and there is a high level of urgency involved. This points to a need to train interpreters so that they are aware of what they are getting into prior to practice. QP2 mentioned that she wanted to study further and that court interpreting gave her time to study. It is, however, not clear how interpreting would give this respondent time to study because most interpreters are not trained as shown above.

In summary, what we learn from the motivating factors is that court interpreters join the profession of interpreting for various reasons, some positive and others negative. The most important aspect of their motivation is an awareness that interpreting deals with languages and is about communication and representing clients in the court of law. Most of them indicated that they were motivated to become court interpreters because of their knowledge of languages and their willingness to help those who cannot express themselves in the language spoken in court. Another important aspect raised by these respondents, is that of seeing justice done. This is because some respondents experienced injustices because of lack of knowledge of the language used in court and incompetency on the part of interpreters. The motivating factors to a degree reveal their approach towards their job.

The next section deals with the definition of a court interpreter. The researcher is of the view that defining the phrase 'court interpreter', will reveal whether the respondents understand the phenomenon of interpreting or not. A definition of interpreting is also important in the formulation of a model later in the study.

#### **4.4 The term 'court interpreter' as defined by court interpreters in the Questionnaire**

The question was structured as follows: In your own words, what is a court interpreter?

Thirty-two interpreters responded to this question; the following Table, 4.7, presents a summary of the responses.

*Table 4.7: Explaining the term 'court interpreter' (Questionnaire)*

<b>Responses</b>	<b>Number of respondents</b>
A facilitator of communication	15
A mediator between two people who speak different languages	7
One who listens and conveys the message from a SL to a TL in a simple way, and <i>vice versa</i>	3
A person who is a language facilitator and familiar with legal terminology or procedures	2
One who does interpreting for court purposes	2
Interpreter as a helper	2
A sworn person, who is proficient in languages and able to transfer SL utterances into the TL	1

The participants' responses in relation to the above question are presented by way of themes as shown below:

**(i) A court interpreter as a facilitator of communication**

The theme of a court interpreter as a facilitator of communication was derived from 15 respondents. These respondents observed that a court interpreter facilitates communication so that different courtroom participants can understand one another.

QP2 responded that, 'a court interpreter is a facilitator of communication who fulfils the legal requirements' while QP21 noted, 'a court interpreter listens to what the speaker says and tells the other person what the previous speaker has said'.

These statements indicate that court interpreting takes place in a legal setting and not any other setting, that the communication is between the interpreter, and court member/s while the interpreter stands at the centre of this communication process and facilitates the communication.

Though not specific about the process involved, one can glean that there is a flow of information between people who cannot speak the same language and that the interpreters stand between them as language and cultural experts. This definition does show that the interpreters have a basic understanding of what interpreting is about, though the specifics are not explained. QP1 stated that by facilitating communication, the court interpreter makes sure that the non-English speaking person can comprehend or hear everything said by the English speaker. This statement places a duty on the court interpreter, of ensuring that the non-English speaker understands the court proceedings; this is vital in ensuring justice. As QP20 remarked, by facilitating communication between different people in court, the court interpreter makes the communication easier. Without an interpreter, there can never be communication because the different language speakers will not understand each other. In simpler words, the court interpreter makes the communication possible. As stated in Chapter 2, this study supports this definition of court interpreters as facilitators of communication because the facilitator model is descriptive by nature and explains what court interpreters do when interpreting. Furthermore, the facilitator model encourages court interpreters to acknowledge their active role when interpreting (Wilcox and Shaffer 2005:135). However, it is important to note that this definition does not take into account the intricacies involved in the process of interpreting, such as culture and cognitive processes.

## **(ii) A court interpreter as a mediator**

In interpreting, an interpreter is referred to as a mediator because he or she serves as a link between two or more cultures (Wang 2017:96). Under this theme, seven participants said that a court interpreter is a mediator. QP19's verbatim words were 'a court interpreter is a person who is trained to perform the task of mediation between two or more people to understand each other in a court setting'.

In other words, an interpreter makes communication possible between people who speak different languages, making an interpreter a language expert. QP7 expressed a similar view, defining a court interpreter as a mediator who allows an individual who does not speak the same language to participate in the court proceedings. QP17 however went further to include training, by saying an interpreter is a trained language expert who mediates between people who speak different languages.

Centralising training is an important aspect in this definition, especially in the South African environment where, to emphasise the point, most interpreters are not trained, though this is crucial; see Moeketsi's (1999a:39) views mentioned earlier. As noted, the researcher is of the view that the mediator role ties up with the facilitator role because by facilitating communication, the interpreter assumes the role of a mediator as he or she mediates communication between individuals who do not speak the same language. Grabau and Gibbons (1996:230) have also defined a court interpreter as a 'language mediator'; consequently the definition, accepted by the researcher, of an interpreter as a mediator is in line with definitions by international scholars.

### **(iii) A court interpreter as a conveyer of a message**

This theme was formulated from the responses of three respondents. QP31 stated that a court interpreter is a person who conveys utterances from the SL to the TL. In similar fashion, QP23 said that 'a court interpreter is an official employed by the state to convey the speaker's word into the language understood by the listener'. A court interpreter as a conveyor of messages is in line with the conduit model that compares an interpreter to a vessel which passes on messages between speakers. As Morris (2010:1) mentioned, legal officers who defined the interpreter as a conduit that conveys messages, formulated the conduit model for court interpreters. The disadvantage of this model is that the interpreter is likely to interpret word-for-word, which generally distorts the message. The researcher does not support the use of this model especially in the South African context where culture is part and parcel of everyday communication, even in specialised settings such as the courts.

### **(iv) A court interpreter as a helper**

In the study, some interpreters viewed themselves as helpers.

QP5's exact words were 'a court interpreter helps people of different languages to understand each other'. QP10 said a court interpreter is 'one who helps parties in court by making communication easier'. These definitions are in line with the helper model which was one of the first models to emerge in interpreting. The helper model was heavily criticised in Chapter 2 because it may lead to the interpreter explaining and expanding information unnecessarily in a bid to help, thus distorting the message. Additionally, as noted, interpreters who subscribe to this model have a tendency to make decisions on behalf of clients by deciding what information they can hear, thus leaving out some information that may be crucial. Omitting information during a case is not advisable as it can influence the outcome negatively.

**(v) A court interpreter as a language facilitator**

This theme emanates from the definition of a court interpreter provided by two respondents. QP6's verbatim words were, 'a court interpreter is a language facilitator who conveys message to and from accused, prosecutor, and the magistrate'. QP11 stated that a court interpreter is a language facilitator who must ensure that a language barrier is removed between the speakers. This definition, which emphasises only the linguistic skills of interpreters, is in line with the criteria used by the DoJCD to employ court interpreters. They are employed for their expertise in two languages, which means bilingualism is made central. This definition excludes important elements such as culture, effective communication and the cognitive aspects of interpreting. The researcher is of the view that interpreting is about culture as much as it is about language. Culture determines what is said and how it is said, and, to reiterate, this can influence the outcome of a case.

**(vi) Interpreting for court purposes**

Two interpreters stated that court interpreting is interpreting for court purposes, to meet the needs of the court. QP24 responded, 'a court interpreter is in court performing his or her duties of interpreting for an accused, witness, court, lawyer, and the gallery'. This definition is too narrow and does not reflect what court interpreters actually do when interpreting.

In summary, the discussion above shows that most court interpreters understand what a court interpreter is and what their roles are in court. Most interpreters view their role as that of facilitating communications, which the researcher supports.

A few viewed themselves as helpers in line with the helper model, which is heavily criticised. The next section focuses on how participants in focus groups defined the term 'court interpreter'.

#### 4.5. The term 'court interpreter' as defined by focus group participants

During focus group discussions, court interpreters in each group defined the term 'court interpreter'; a summary of their responses is found below.

*Table 4.8: Explaining the term 'court interpreter' (Focus groups 1, 2 and 3)*

<b>Focus Group 1</b>	<b>Number of respondents</b>	<b>Focus Group 2</b>	<b>Number of respondents</b>
A communication facilitator	2	Communication facilitator	4
Conveyor of message/channel of communication	2	Helper	3
A messenger	2	Conveyor/bridge/channel of communication	3
Speaker	2	Language facilitator/practitioner	2
A listener, analyser, and a producer	1	Mediator/middleman	2
A helper	1	Breaker of communication barrier	2
A language practitioner	1	One who interprets in the court room	1
-	-	As a mouthpiece	1
<b>Focus Group 3</b>		<b>Number of respondents</b>	
Facilitator of communication		8	
A helper		2	
Language specialist		2	
Mediator		2	
Someone who knows more than one language		1	
A person who interprets in court		1	
Breaker of language barrier		1	



The participants' responses were analysed according to the themes as indicated in the above table. Not all themes will be analysed as some are similar to the ones reported in the questionnaire discussion.

**(i) A court interpreter as a communication facilitator**

Like the respondents in the questionnaire, two respondents in focus group 1 defined a court interpreter as a communication facilitator, while four did so in focus group 2 and eight did so in focus group 3. Of these two responses in focus group 1, FG1P1 explained that, 'a court interpreter is a communication facilitator because he or she facilitates communication between the accused person, the lawyer, the magistrate, the prosecutor, and the client'. This definition emphasises the flow of information among the participants in the court and the role played by the interpreter to aid this communication. In focus group 2, FG2P12 stated, 'a court interpreter is a person who facilitates communication between different parties who do not speak the same language in court'. There are similarities in the way the respondents define a court interpreter as a facilitator. The similarities may be a result of information shared by people in the same profession since most of them are not trained.

Focus group 3 contained the greatest number of participants who defined a court interpreter as a facilitator of communication. Eight participants did so; these results are similar to the questionnaire results. FG3P3 said, 'I think a court interpreter is somebody who can facilitate communication between the two parties in court'. FG3P6's exact words were, 'a court interpreter is someone who facilitates, and that person should be good at languages'. FG3P11 replied, 'a court interpreter is the one who facilitates communication between the original source language and the original target language'. What can be gathered from the questionnaires and focus groups is that in South Africa, most court interpreters see their role as that of facilitating communication; as noted, the researcher concurs with this view. Although the facilitator role is regarded as appropriate in this study, some scholars have criticised it. Hale (2008:114) and Gonzalez *et al.* (1991:155-156) reject the language facilitator model by stating that any facilitative role of interpreting is inappropriate, as it is similar to filtering or embellishment. In this study, this definition is nonetheless accepted, to reiterate, because in the South African context, speakers of African languages use culturally-specific aspects to explain or to attach the meaning of what they say to these aspects, when communicating with each another.

These culture-specific aspects may be in the form of idioms or idiomatic expressions, and their meanings need to be explained during interpreting in order to convey the correct message to the listener. The definition of a court interpreter, therefore, calls for court interpreters to be knowledgeable about the cultures of languages in which they interpret. Lack of cultural knowledge may lead court interpreters to interpreting literally, which generally distorts the message.

**(ii) A court interpreter as a conveyor of messages**

As in the questionnaire, some interpreters in Focus Groups 1 and 2 perceived a court interpreter as a conveyor of messages. FG2P10 defined a court interpreter 'as a human being who is appointed by the court in terms of a relevant act, in order to convey the message between the speakers'. The definition of such an interpreter as a conveyor was discussed in the previous section where it was stated that an interpreter in this role passes on the message without any addition or omission. The method is similar to the function of being a bridge, as discussed earlier. The restrictions laid down by this definition are many and at times unattainable; thus, the definition and model are not supported by this study. The researcher is of the view that court interpreters in South Africa should be taught about models of interpreting so that they make informed decisions.

**(iii) A court interpreter as a language practitioner or specialist**

In focus group 1, only one interpreter defined a court interpreter as a language practitioner, whereas in focus group 2, two respondents did so and in focus group 3, two also provided this definition. This coincides with definitions in the questionnaire where two participants viewed a court interpreter as a language facilitator. FG2P6 explained that, 'a court interpreter should be a person who is good at languages'. It is true that language is the foundation of communication and any court interpreter should be a language expert, but as stated earlier, bilingualism is not a passport for one to be an interpreter; there is more to interpreting than languages. The skills that are required of an interpreter were discussed at length in the literature review; hence, this definition of a court interpreter as a language practitioner is lacking in many ways.

#### **(iv) A court interpreter as a helper**

In focus group 1, only one interpreter viewed her role as that of a helper, but in focus group 2, three perceived their role as that of a helper and in focus group 3, four participants did so.

From these findings, it is clear that this theme cuts across the different groups, as also in the questionnaire. FG2P5 said that, 'a court interpreter is someone appointed by the court to **help** in the court proceedings, between people who do not understand each other because of the language barrier [emphasis the researcher's]'. According to this respondent, a court interpreter is appointed by the court and s/he is subject to the approval of the court officials. FG2P10 replied, 'a court interpreter is the one who helps everybody who experiences language barrier'. These definitions are aligned to the helper model; they accord interpreters much power to make decisions for their clients, which in many ways is not professional. During the court observations, the researcher observed some interpreters making decisions for the clients as to what they could and could not hear. They filtered the message, which is not encouraged in the field of interpreting. This shows that interpreters need to be trained so that they are aware of models that are pro-client.

#### **(v) A court interpreter as a messenger**

A new aspect that emerged in the focus groups is the view that a court interpreter is a messenger. Two respondents in focus group 1 held this view. For FG1P2, 'the court interpreter is a messenger between a magistrate, advocates, and the accused person'. FG1P6 mentioned that, 'a court interpreter is a messenger because he or she takes the message from one courtroom participant to the other'. A messenger is someone who moves information from one place to another without adding or taking out anything. The messenger role is similar to the conduit role, in that the interpreter sees him or herself as someone who conveys the message from a speaker to the listener, nothing more and nothing less. Hale (2007:128) affirms this role and states that in some cases interpreters believe that their role is to be that of a conduit. The definition of a court interpreter as a messenger also tallies with that of a court interpreter as a conveyor of messages, channel of communication and a bridge as presented in focus groups 1 and 2.

In these definitions, a court interpreter is likened to a machine that records and delivers messages without alteration, which is contrary to what happens in the courts of law. As stated previously, the researcher does not align himself with this method.

**(vi) A court interpreter as a listener, analyser and a producer**

Another new aspect that emerged in the focus groups is the definition of a court interpreter as a listener, analyser, and a producer. In Focus group 1, FG1P6 mentioned this threefold role. For this respondent, a court interpreter listens when an utterance is made, analyses it, and conveys the message into the language that is required. From this definition, the court interpreter is involved in different tasks, which illustrates that interpreting is a process. Since the said interpreter is involved in multiple tasks, this suggests that the he or she must have undergone specific training to cope with this taxing task. This training should involve issues such as comprehension, analysis, and the ability to speak. This definition points to a broader understanding of the process of interpreting, and these elements will be considered during the formulation of the model.

**(vii) A court interpreter as a breaker of communication barriers**

In focus group 2, two respondents defined a court interpreter as a breaker of communication barriers and one did the same in Focus group 3. FG2P1 said, 'a court interpreter breaks the barrier of communication between the people who speak different languages in a court setting'. FG2P2 held the same sentiments, 'a court interpreter is a person who is sworn in and who interprets from the SL into the TL, and thereby removing the language barrier between the parties in court'. Gregg and Saha (2007:368) define a language barrier as comprising linguistic components of communication used by a group of individuals, which may be in the form of words guided by formal rules that hinder two or more persons who speak different languages from understanding each other. These individuals will require the assistance of a code-breaker, normally the interpreter, who allows each party to decipher what the other party is saying. According to this definition, an interpreter is someone who enables two people to communicate with each other, which means an interpreter should be an expert in the required languages. The researcher agrees with this definition because the purpose of interpreting is to ensure that the individuals speaking different languages understand each other.

The interpreter is therefore a person who removes the hindrance of incomprehension between the two people, but the definition goes further to declare interpreting is more than bilingualism; hence the need to be trained in the field of interpreting.

**(viii) A court interpreter as the one who interprets in court**

This definition is similar to that provided by one of the questionnaire participants who stated that a court interpreter interprets in court. In focus group 2, FG2P2 indicated that, 'a court interpreter is the person who interprets in court from the source language into the target language'. The problem with this definition is that it is vague: it does not explain what this interpreting is and what it involves. As shown in Chapter 2, there are intense debates on what interpreting is. A more elaborate explanation of what interpreters are involved in, is therefore required.

**(ix) A court interpreter as a mouthpiece**

Another new element is the definition of a court interpreter as a mouthpiece. FG2P10 declared, 'a court interpreter acts as a mouthpiece by conveying what the magistrate is saying to the accused person'. This definition is in line with terminology that was used in the case of *Gaio v R* (1960:429), where the court viewed the interpreter as a mouthpiece. The basis for this assumption was that the interpreters are not contributing their own ideas, but act as a mouthpiece because they can give evidence as to the truth of the statements made in conversations between the parties. This statement brings in the feature of impartiality, because it suggests that the interpreter must only interpret what the speaker said and nothing else. Therefore, the interpreter as a mouthpiece must be impartial. The researcher does not subscribe to this view because in the African languages it is not possible to interpret cultural terms without explaining them. In other words, a South African model should take into account the needs of the interpreters by observing what is happening on the ground.

The focus groups discussions indicate that there are some commonalities in respect of the definition of the concept of a court interpreter in the questionnaire and the focus groups. Most respondents viewed him or her as a facilitator of communication, with a few viewing the interpreter as a conduit or helper.

New definitions however emerged in the focus groups, such as those of a court interpreter as a messenger and a mouthpiece, among others. None of the definitions fully captured the role of a court interpreter. Additionally, the definitions of the concept of a court interpreter provided by the respondents are similar to those used by other countries. These definitions impact on the way interpreters carry out their duties, and if interpreters continue to perceive themselves as helpers and conduits, then problems are bound to occur. It is necessary therefore to train interpreters so that they make informed choices when carrying out their duties. As stated in Chapter 1 of this study, some of the international models of interpreting do not apply to the South African linguistic context, pointing to a need to formulate a model that speaks specifically to the South African context. The next section focuses on how the term 'court interpreting' was defined by the court interpreters.

#### **4.6 Court interpreters' definitions of the term 'court interpreting'**

In gathering the court interpreters' perspectives on court interpreting, the respondents were asked the following question: In your own words, what is court interpreting? Table 4.9 below presents the responses that were offered.

Table 4.9: Defining the term 'court interpreting' (Questionnaire)

Responses	Number of respondents
Helping the one who does not speak English to participate fully in court proceedings	6
The process of listening, taking notes, and produce the text in another language	5
To convey the message orally from SL into TL	4
Facilitating communication in court proceedings, by putting the message across using TL	4
Uttering what has been said during the court proceedings, to the listener for whom you are interpreting	4
Summarising what has been said	3
It is a service of listening actively, comprehend; abstracting the message from the words; search for conceptual and semantic matches; and reconstruct the message in another language	2
When you are performing duties in court, using your own language to communicating what is said in court	1
Breaking miscommunication between the parties who do not understand the language of the record	1
It is when the accused says something and I interpret that which is said	1
Listening to what the magistrate is saying and telling it to the accused or <i>vice versa</i>	1

The first noticeable fact about the responses in the table above is that respondents offered varying definitions and descriptions of the phenomenon of court interpreting, with some viewing it as facilitation, others as mediating and conveying among other aspects.

This is in line with the discussion in Chapter 2 that interpreting scholars define court interpreting differently. Some of the definitions provided by the respondents resemble those prescribed by the legal officers in other countries, for example, a helper and a conveyor of messages.

**(i) Court interpreting as helping others**

The majority of the respondents defined court interpreting as helping others, which is a contrast to the definition of a court interpreter where the majority viewed such a person as a communication facilitator. Six court interpreters said court interpreting is assisting or helping others. QP27 responded, court interpreting 'is helping a person who does not speak English to participate fully in the court proceedings'. Three other respondents concurred with this definition. Of these three, QP10 mentioned that, 'court interpreting is assisting the court to communicate with the TL listener, and *vice versa*'. Assisting falls under the helper model. The helper model has been denounced as it allows extreme personal involvement by the interpreter (Roy 1993:131, Devilbiss 1998:2-3, Clifford 2004:94). It is not clear why interpreters would see their role as that of facilitating communication yet then define court interpreting as 'helping', though helping is the same as facilitating. It seems there is no standard understanding of these terms by the interpreters.

**(ii) Court interpreting as a process**

An interesting aspect is that a number of interpreters viewed court interpreting as a process. Five respondents defined it in this way. For QP5, 'court interpreting is a process involving listening, taking notes, comprehending, and producing the TL utterance'. What is important about this definition is that it outlines the steps involved during interpreting. This definition is in line with the cognitive model, which was explained in Chapter 2. Other respondents refer to court interpreting as a process but they do not explain the latter. QP19 mentioned that, 'court interpreting is a process of doing the duty of facilitating communication in court'. The researcher agrees with these definitions because interpreting is not just a replacement of the SL utterance with the TL utterance; a process is involved.

This starts when the interpreter listens to the SL utterance, comprehends what is being said, and finds an equivalent in the TL before discharging the TL utterance.



During this last-mentioned stage, the interpreter takes into account cultural aspects involved and interprets these in an understandable manner.

As shown in Chapter 2, some interpreting scholars view court interpreting as a process, though from different perspectives. Devilbiss (1998:3) describes interpreting as a socio-linguistic process because during interpreting, the message goes through various stages of language processing. Wilcox and Shaffer (2005:144) view interpreting as a communication process in which meaning is constructed based on evidence provided by the speakers. According to Coulson and Matlock (2005:1) interpreting is a cognitive process because the human mind is viewed as a complex system involved in the acquisition, storage, transformation, and transmission of information. The understanding of the process of interpreting is crucial for court interpreters, as it helps them understand the phenomenon of interpreting. This knowledge is also important in the formulation of a model of interpreting. The researcher concurs with these definitions; some of the variables will be considered when developing a South African model.

### **(iii) Court interpreting as conveying a message**

Four respondents defined court interpreting as ‘conveying a message’, in line with how some interpreters viewed a court interpreter in the discussion above. QP30 replied, ‘court interpreting is conveyancing or delivering of the message between two people in their language of understanding’. QP15 stated that it is ‘the conveyance of the words from the SL into the TL and vice versa’. QP23 said, ‘It is the conveyance of message orally from the source language into the target language’. The use of the phrase ‘conveying the message’ in defining the court interpreting phenomenon, indicates that respondents have some knowledge of court interpreting models. Their definition is in line with the conduit model as explained previously. This phrase is used in other countries by interpreting scholars when defining the interpreting phenomenon as well as the role of the court interpreters. The weaknesses of a conduit model is that it does not consider interpreting as communication, and it ignores such factors as reformulating a message during interpreting. Furthermore, this model is not a true representation of what interpreters are actually doing when interpreting.

#### **(iv) Court interpreting as facilitation of communication**

Three respondents defined court interpreting as 'facilitating communication', which is contradictory to the previous findings on the definition of a court interpreter where 15 said a court interpreter is a facilitator of communication. QP16 indicated that, 'court interpreting is when a language practitioner facilitates communication between people who speak different languages and who want to communicate with each other'. QP27 declared, 'court interpreting consists of the task of facilitating communication in court proceedings'. QP2 mentioned that, 'it is to facilitate communication in court proceedings, by putting the message across the TL'. It is not clear why the participants would perceive their role as that of facilitating communication, yet subsequently define court interpreting differently. The researcher is of the view that the definition of the role of a facilitator is applicable where African languages are concerned.

#### **(v) Court interpreting as a service**

Two participants held a different view of the court interpreting phenomenon. They defined it as 'a service'. QP21 asserted that, 'court interpreting specifically is a service that is offered in court, where a person mediates communication between two people who do not understand each other's language'. The second participant defined court interpreting as a service and then went on to describe the process that takes place when interpreting, from listening and passing on the message in the target language. The researcher agrees with this definition because an interpreter provides professional services in the courts of law and should be treated as a professional in the process. Generally, during court proceedings magistrates ask the court participants whether they require the services of a court interpreter. Court interpreting is therefore considered by the magistrates as a service as well.

#### **(vi) Court interpreting as summarising**

An interesting aspect that emerged in the questionnaires is the definition of court interpreting as summarising. Summarising is a selective process that focuses on the important aspects of a conversation. What is considered important is a subjective decision by the speaker. Three interpreters defined interpreting as summarising. For QP17, 'court interpreting is speaking or uttering a word of the speaker in summary of what was said, into a different language.

The problem with this approach is that when a court interpreter summarises the utterances of a speaker, some parts of the speech are omitted, which leads to some information being left out. This omitted information may be in favour of or against both the speaker and the listener, and may prejudice either of the two. Omission in interpreting is discouraged by scholars such as Wallmach and Kruger (2000:145). Court interpreting requires the precise transfer and accuracy of messages (Martin 2013:1; Choolun 2009:24), and involves, among other features, interpreting everything as the complete utterance of the speaker. During court observations, the researcher noted that nearly all the interpreters summarised the information and reported what they thought was crucial. The chances of a miscarriage of justice are high when this method is used; for this reason, South African court interpreters should be trained so that they know what to do in the courts of law. Some interpreters perceived court interpreting as uttering or telling what has been said, which takes them away from their professional role as there are no set boundaries for telling what has been said by a speaker.

In this section, it is clear that the respondents hold different views about the phenomenon of court interpreting, which is indicative of the different definitions offered for this phenomenon. What is notable is that most interpreters saw their role as that of facilitating communication, but view interpreting as helping clients. The contradiction may be a result of lack of training and standardisation of terms. Nearly all definitions offered by the respondents in respect of the court interpreting phenomenon coincide with the definitions which were formulated by interpreting scholars in other countries. This state of affairs shows that South African court interpreters lack a home-grown model of interpreting that guide their task.

The same question of defining the term court interpreting was posed to the focus groups; Table 4.10 focuses on how the participants defined the term.

*Table 4.10: Defining the term ‘court interpreting’ (Focus groups 1, 2 and 3)*

Focus group 1	Number of respondents	Focus group 2	Number of respondents
A process of listening converting, memorising, and talking to another language	7	Conveying spoken messages	7
Conveying a message	6	Removing communication barriers	3
Taking an utterance from SL to TL without adding or subtracting information	2	Sending a message	2
Facilitating communication	2	Facilitation of communication	2
Talking back	1	Skill	2
Communicating	1	Translating words	1
Focus group 3		Number of respondents	
Process of listening, taking notes, analysing, memorising, and producing the message		6	
Process of listening, understanding, reformulating, and producing		5	
Process of conveying a message		2	
Facilitation of information between parties		1	

**(i) Interpreting as a process**

In focus group 1, seven interpreters defined court interpreting as a process while eleven did so in focus group 3. In focus group 1, court interpreting was generally viewed as a process of listening converting, memorising, and taking to another language. As FG1P2 said, ‘this process happens fast’, meaning there is a sense of urgency when interpreting.

Another respondent concurred with the above definition and averred that interpreting as a process means that: (1) the interpreter must first listen, (2) understand, (3) memorise, and (4) produce a response into another language.

As can be seen, the latter explained the steps in the process of interpreting from the listening stage up to the stage of producing the TL. The researcher concurs that interpreting is a process. In Focus group 3, FG3P4 replied that interpreting is 'a process by a human being, an interpreter who listens and analyses with understanding, the language that is preferred by the two parties and convey the message or give the results of what is being said'. A similar definition was offered by FG3P7 who stated that interpreting is 'a process in which you first listen to what is said, whilst your mind starts to analyse an utterance in a target language and retransmit those utterances into a source language'. The complexity of the interpreting process is also captured by FG3P9 who asserted that, 'interpreting is a complex process, where an interpreter analyses, listens, analyse the source language in his mind, and after processing all of that, taking out the message to the target language and make it understandable and clearer to the listeners'. From the above definitions and many others provided by the interpreters, it is clear that interpreting is more than transference of messages from the SL to the TL. There is a process that is involved; various scholars have termed this process differently, ranging from the socio-linguistic process and the communication process to the cognitive process. All these terms cover different aspects of the interpreting process. In Focus group 2, none of the participants defined interpreting as a process. The definition of court interpreting as a process is nevertheless important in the formulation of a home-grown model.

## **(ii) Interpreting as putting an utterance/conveying a message**

The definition of court interpreting as taking an utterance from the SL to TL or as conveying or sending a message was common in focus groups 1 and 2. In focus group 1, eight people defined court interpreting as conveying a message or sending an utterance while nine did so in focus group 2 but only two did so in focus group 3. In direct words, FG1P1 defined interpreting as putting an utterance as it is (participant's direct words). The respondent added that the interpreter puts this utterance as it is said, without any addition or omission.

This theme is similar to that of defining a court interpreter as a conveyor of a message whereby the interpreter is like a machine that records and reads back information in another language. FG2P2 explained that sending a message means that the interpreter takes an utterance from the SL to the TL. The researcher agrees that interpreting involves sending messages because the interpreter conveys a message from the SL into the TL. However, the model of the interpreter as a conveyor of messages was discussed in previous sections, where it was shown as limiting if not outright impossible to achieve. There is more to court interpreting than telling things as they are, though delivery of information is crucial.

### **(iii) Interpreting as a skill**

A new concept which emerged in focus group 2 is that of interpreting as a skill. Two interpreters defined it as possessing a skill. According to FG2P8, 'interpreting is a skill and an interpreter has to first listen, memorise, think, and convey the message from the source to the target language'. FG2P4 considered that, 'interpreting is a skill that involves listening, understanding, comprehend the message and construct it in a different way so that you can be able to interpret it correctly'. A skill is something that is learnt; thus, the interpreters recognise that interpreting is more than the knowledge of two languages. What is interesting is that the skill is tied to the process of interpreting. Keratsa (2005:1) states that court interpreting skills include expertise in covering virtually all kinds of legal cases involving people of different age groups, cultural backgrounds, social status and literacy competencies. In the light of this information, South African court interpreters need to have or acquire the necessary skills that will enable them to interpret accurately and bridge the linguistic and cultural gaps between court participants and the judiciary. Gentile *et al.* (1996:44) emphasise that effective interpreting requires effective listening skills, while Gonzalez *et al.* (1991:363) again state that interpreters need analytical skills in order to perform optimally. Accordingly, this is an important definition in the South African context.

### **(iv) Interpreting as translating words**

An interesting definition that also emerged in Focus group 2 is that of interpreting as translating words. FG2P7 regarded interpreting as 'translating the words from one person to the next'.

It is not clear why the respondent used the term translating instead of interpreting. This respondent's definition seems to equate translation to interpreting, yet as already elaborated on, there is a difference between translating and interpreting. The same view is held by legislation in section 6(2) of the Magistrates' Court Act 32 of 1944 (as amended), which states that: '*If in a criminal case ... a competent interpreter shall be called by the court to translate such evidence*'. As stated in previous sections, the dynamics involved in interpreting differ from those in translation. This indicates a lack of understanding of the interpreting phenomenon amongst some interpreters, which means that they work without proper guidance.

#### **(v) Interpreting as facilitating communication**

A recurrent theme is the definition of court interpreting is that of interpreting as facilitation of communication. In the three groups a few court interpreters defined the term under discussion in this way. In focus group 1, this theme emanates from the definitions given by two respondents. For FG1P5 the 'interpreter facilitates communication in a cross-linguistic communication to a cultural communication, by converting the SL into the TL and *vice versa* so that the listener is able to understand what the speaker said'. FG1P stated that interpreting is facilitating communication because a court interpreter 'facilitates communication from the magistrate to the accused person, and from the prosecutor to the accused'. This particular respondent further mentioned that a court interpreter is a channel of communication in the courtroom. This definition of a court interpreter was discussed at length previously, but what is interesting to note is that in the focus groups most interpreters viewed interpreting as a process and not as facilitation of communication.

In summary, most of the definitions of interpreting offered by the respondents, although using their own words, are similar to those of other countries. These definitions were used in the latter for the formulation of interpreting models. For example, 'a communication model of interpreting' was derived from the definition of interpreting as communication. The definitions given by the respondents show that they understand the phenomenon of interpreting in the way that this phenomenon is defined internationally. It seems, therefore, that South African court interpreters are guided by international models of interpreting in carrying out their task of interpreting. The next section discusses the duties of court interpreters.

#### 4.6 Interpreters' perspectives on the duties of a court interpreter

A contentious issue in the field of interpreting, especially in South Africa, is that of duties that should be performed by interpreters in the courts of law. Whilst the basic assumption is that court interpreters have a duty to interpret in the court, the reality on the ground reflects other issues; this section explores what interpreters in South Africa actually do in the law courts. The table below presents the responses from the court interpreters.

*Table 4.11: Duties of a court interpreter (Questionnaire)*

Responses	Number of respondents
Interpreting in court, interpret in confessions; consultations; trials; pre-trial conferences; and to interpret documents used in court, to the accused.	16
Language facilitator in a courtroom.	6
Assist the accused understand what the magistrate is saying.	6
Translate legal documents and exhibits, completing the court book, and assisting the client by delivering speech in the desired language.	5

Most interpreters (16) who completed the questionnaire said their duty was to interpret from the source language to the target language. This involves interpreting confessions, consultations, trials, pre-trial conferences, and documents used in court, to the accused. QP6 considered that the duty of a court interpreter is 'to interpret between the court and the witness'. QP23 remarked it is 'to provide the court or the Department with interpreting services', while QP3 said that it is 'to interpret confessions and consultations' and QP31 indicated it is 'to interpret to the best of their ability'. Some interpreters used terms like facilitate communication (6) or assist (6), to mean interpreting. As QP32 stated, 'a court interpreter facilitates communication during the proceedings between parties, where necessary'.



QP25 and QP27 mentioned that a court interpreter facilitates the court proceedings. QP6 considered a court interpreter as a language facilitator in a courtroom. What can be deduced from these answers is that interpreters are hired for the purposes of interpreting, which is commendable. However, five interpreters revealed in addition to interpreting, that they are also asked to translate court documents. The use of court interpreters as translators is a result of the confusion that exists in the minds of many people who generally think that interpreting is the same as translation. As argued earlier, this assumption is misleading and is bound to create numerous problems as most interpreters are not trained in either translation studies or interpreting.

During focus group discussions, the same question, regarding what duties are carried out by court interpreters, was asked; the answers ranged from conveying messages to facilitating communication, interpreting and helping in the courts of law. FG1P1 asserted, 'my duty is just to interpret the message from the SL into the TL'. FG1P3 also declared that, 'the duty of the court interpreter is to interpret from the source to the target language'. The description of the duty of a court interpreter provided by these two respondents is generic, in that a court interpreter's duty is generally described as that of interpreting a message from one language into another. As in the questionnaires, some interpreters used the term facilitator of communication to mean that they carry out interpreting duties. For example, FG2P7 replied, 'my duty is to facilitate conversation between the parties involved, mainly the magistrate and the accused, as well as the witnesses'. The respondents in the focus groups did not mention any other duties besides interpreting, which may indicate that the problem of using court interpreters as translators is bound only to a number of courts in the country. But still, from the observations made, it is clear that boundaries should be set on what court interpreters can and cannot do in the courts of law. The following section discusses who should define the roles of interpreters.

#### **4.7 Interpreters' perspectives on who should define their duties**

As indicated in Chapter 2 of this study, models of interpreting are developed through the definitions and descriptions of the phenomenon of interpreting in clarifying or explaining the role of the interpreter.

Generally, there is a tendency by judges to define the role of court interpreters, and as intimated, this leads to many problems. In this section, the study examines participants' perspectives on who should define the role of court interpreters; their responses follow.

*Table 4.12: Defining the role of court interpreters (Questionnaire)*

<b>Responses</b>	<b>Number of respondents</b>
The interpreter because he or she understands the dimensions of interpreting and what it entails.	14
The Department of Justice, so that they must not be undermined.  Court officials, namely magistrates, prosecutors, and attorneys as they are the ones who mostly need the services of an interpreter.	5
The Legislature or the Constitution because it will be respected, as it is the highest authority of the State.  Legislation, so that the role becomes a norm or a rule which interpreters must adhere to, and it must also protect the interpreter.	6
At present, the interpreter does not have a role. There is a need for a body that represents interpreters, and which must form a committee that will define the roles of interpreters, similar to the magistrates.	2
Collaboration	2
There must be a code or manual for interpreters that guides them regarding their role.	2
A person who is fluent in the language that is required, and who has undergone training and also understand the cultural background of people they deal with.	1

The role of court interpreters is one of the fundamentals of court interpreting. If they understand their role, they are likely to perform their interpreting duty in a professional manner; this may prevent their abuse in the courts of law.

Following are the responses as grouped by the researcher:

**(i) Court interpreters**

Fourteen respondents favoured the view that court interpreters should define their own role because they understand the dimensions of interpreting and what interpreting entails. For example, QP10 replied that interpreters should define their role because 'only interpreters understand their work better than all other court officials'. QP3 said, 'past and present interpreters should define the role of court interpreters since they know what it takes to do the job'. QP9's view was that interpreters should define the role 'so that they show the magistrates, attorneys, and other people in court that they know and understand their job'. Most participants who held this view, argued that they are the ones carrying out the job, so that they understand it better. However, the difficulty with this view is, as noted, that most interpreters in South Africa are not trained and generally perform poorly in their duties as proven by prior research. Therefore, if court interpreters are allowed to define their own role, problems are bound to emerge as they do not have a clear understanding of what this entails. It is not clear how they will succeed in this task. The researcher is of the view that trained interpreters, however, are in a better position to contribute meaningfully as their views will be steeped in theory and practice. Still on the same topic, other interpreters said court officials should determine the duties of court interpreters.

**(ii) Court officials and/or the DoJCD**

Five respondents stated that court officials or the Department of Justice and Constitutional Development should have the mandate to define the role of court interpreters. For QP6, 'court officials, namely magistrates, prosecutors, and attorneys, must define role of court interpreters because they are the ones who mostly need the services of an interpreter'. In other words, these officials should define the roles of interpreters to meet their requirements. As QP14 declared, the role must be defined by 'the Department of Justice and Constitutional Development so that they are not to be undermined'.

This view is supported by QP17 who replied, 'it must be employer in order to make sure that the role is performed in a manner that the rights of the accused are not neglected'.

This view, though noble, is problematic in that staff members in the Department of Justice and Constitutional Development and the court officials are not trained in language matters; as such, they generally do not know what interpreting is about.

In addition, research has shown that other countries which followed this approach have mostly failed in their attempts to define the role of court interpreters. Interpreting scholars and practitioners of interpreting have also criticised this approach. For more information on this topic, see the discussion of the role of court interpreters in Chapter 2 of this study.

### **(iii) Legislature or the Constitution**

Six respondents said the legislature or the Constitution must define the duties of court interpreters so that interpreters are respected. QP5 replied in one word: 'Constitution'. QP7 asserted that, 'the legislation or the constitution should define the role because it will be respected, as it is the highest authority of the state'. Four other respondents held the same view. For example, QP28 declared, 'legislation must define the role so that the role becomes a norm or a rule by which all interpreters must abide, and such, will protect them'. QP15 stated that, 'it must be the highest legislation in the land because it cannot be a discretion of magistrate and the DoJCD to define the role of court interpreters'. The researcher is of the view that the legislature should clearly state the role of interpreters, but only after intense consultations with all interested parties have been held.

Nevertheless, the suggestion that the legislature should define the role of interpreters is in line with the practice in other countries. Morris (2010:20) observes that the legal system defines the role of interpreter, where judicial officers instruct the interpreter to function as a faceless voice or a conduit. In South Africa, the Magistrates' Court Act 32 of 1944 (as amended) defines the role of the court interpreter as that of translating. Interpreting differs from translation in the sense that it deals with oral and sign languages, whilst translation deals with written language. The role defined by this legislation is too broad and does not guide court interpreters in their duty.

**(iv) Collaborative effort**

Two court interpreters were of the view that all stakeholders should have a say in defining the role of interpreters. QP23 suggested that, 'there must be a survey conducted where a large number of people dealing with interpreting should be interviewed regarding the role of a court interpreter'.

This respondent notes that, unless the above suggestion is considered, the role of court interpreters will never be defined correctly. QP3 added to this suggestion that, 'university lecturers who provide training for court interpreters must also be involved, as well as former and current interpreters'. In respect of the latter, the respondent argued that these persons know what it takes to carry out the task. The researcher supports the view that defining the role of court interpreters should be a collaborative effort between the courts, interpreters, scholars and the Department of Justice and Constitutional Development; this should be steeped in research. This will ensure that the views of all stakeholders are taken into account. Thereafter, as stated by one of the respondents, a manual should be developed so that there is no confusion on this in the future.

In summary, the responses to this question indicated that a larger number of respondents were of the view that the role of court interpreters should be defined by court interpreters themselves. The reasons given were that they are the ones who do the task of interpreting, and as a result, they understand what interpreting entails. The researcher's view is that this will be a useful approach, to allow court interpreters to define their own role based on the argument that they understand what is involved in interpreting. However, they must work together with experts such as court interpreting scholars and academics who are involved in the training of court interpreters. This is because court interpreters themselves are not properly trained, and as a result, they may not understand the dynamics of interpreting. The predicament is that they may define a role that is full of flaws. However, the respondents wanted applicable legislation to protect the court interpreters when conducting their duty of interpreting, and they considered that the definition of the role of court interpreters should be left to legislation. They believed in the fact that once the legislature becomes involved, people will respect this role.

As the definition of the role of court interpreters helps in formulating a model of interpreting, the absence thereof means that South African court interpreters interpret without any guidance, which opens room for courtroom staff to abuse court interpreters by assigning them duties that have nothing to do with interpreting.

In this study, culture is regarded as central in interpreting; for this reason, the researcher asked the interpreters about the importance of culture and the challenges they have encountered in translating cultural terms. Their responses are reported in the following section.

#### **4.8 The importance of culture in the field of interpreting**

In Chapter 2, it was revealed that interpreters should have intimate knowledge not only of the source and target languages, but also of the relevant culture. This statement is even more applicable in the South African environment where African languages are heavily steeped in culture and this determines the way in which things are said. In the study, the researcher asked the participants about the importance of knowing the source and language cultures in the field of interpreting and the challenges they encounter when interpreting cultural terms. The following table presents the responses to this question.

*Table 4.13: Importance of culture in interpreting (Questionnaire)*

<b>Responses</b>	<b>Number of respondents</b>
It helps the interpreters to interpret accurately and effectively	10
It teaches us to know the nature of a particular tribe and how they communicate	5
It gives the interpreter more understanding about the speaker's age, language, and how to approach the speaker	5
Lack of cultural knowledge may lead to misinterpreting	4
Culture influences communication	4
People can express themselves by using cultural language and the interpreters must understand it so that they can interpret it correctly	2
It shapes the language of the speaker and makes it distinct from others	1
It brings all parties on the same understanding	1
It makes interpreters to take idiomatic expressions into consideration	1
It helps to avoid offending other people	1

Ten respondents noted that it is crucial for court interpreters to familiarise themselves with the cultures of different people, in order to interpret their utterances accurately. That is, most respondents were of the view that knowing the source language and target cultures helps court interpreters to interpret more accurately, as they have an understanding of the communication requirements of a particular language. QP26 maintained that culture is important because 'you become aware of how to conduct yourself when interpreting'. That is, when you know the culture of your client you know what to do and what to say in order to connect with them. Another interpreter gave the example that in African languages, when talking to people who are older than you, you do not address them using their first name. This observation confirms the statement by QP27: that 'culture influences communication'.

QP3 in turn stated that, 'people can express themselves by using cultural language, and court interpreters must understand it so that they can interpret correctly'.

In other words, clients might communicate using language that is steeped in culture, and it is the duty of court interpreters to understand what they are saying and pass the information on in a manner that is acceptable to the receiver.

Five respondents mentioned that knowing the cultures of the different ethnic groups you are dealing with helps court interpreters to understand how these groups communicate. As QP4 explained, 'being aware of different cultures is important for one to know how to interact with other people'. This statement affirms that every group of people is distinct and that their culture is what separates them from other people; consequently, court interpreters should be able to understand the communication boundaries set by the different cultures. QP18 captures these sentiments correctly: 'you will be more understanding when dealing with sensitive issues and use appropriate words when you interpret cultural aspects'. From this discussion, it is clear that knowing the source and language cultures is important as this guides court interpreters regarding how to handle sensitive issues and how to address different groups of people. QP16 captures this clearly in commenting that culture shapes the language of the speaker and makes it distinct from other languages.

Four participants stated that lack of cultural knowledge leads to miscommunication. According to QP21, 'a person cannot interpret correctly if he does not know the culture of a person he is interpreting for'.

This confirms that effective communication is dependent on knowing the culture of the person you are communicating with. This statement is clarified by the views of QP23 who said, 'a lack of cultural knowledge may lead to misinterpretation'. QP23 went on to explain that 'an interpreter can put a sentence literally, and by so doing the utterance may lose its meaning'. To recapitulate: loss of meaning leads to miscommunication and in a court of law this may have a negative impact on the outcome of the case. QP30 sums up this discussion well: 'culture helps interpreters avoid offending people'. These statements reinforce the point that cultural knowledge is central in the field of interpreting and lack of such knowledge can result in miscommunication which in turn can impact on the outcome of a case.



The same question on the importance of culture was presented to the three focus groups; the answers are presented below. The focus group discussions revealed the following about culture:

*Table 4.14: Knowledge about culture (Focus groups 1, 2 and 3)*

<b>Focus group 1</b>	<b>Number of participants</b>
People use idioms and their meaning is usually different	4
Some people are culturally-bound	3
Lack of cultural knowledge may lead to misunderstanding and misinterpreting	1
Cultural aspects have special meanings	1
Cultural knowledge helps put things at the right place	1
<b>Focus groups 2 and 3</b>	<b>Number of respondents</b>
To avoid misinterpretation and miscommunication	12
In order to use respectful language in court	4
To make interpreting more accurate and more effective	3
Cultures govern the way we live or speak	3
Lack of knowledge of culture leads to misinterpretation	2
To be able to use good language	2
Different cultures use different expression	1
It gives you understanding of a person you dealing with	1
It helps increase confidence	1

The responses of focus groups 2 and 3 were put together because there were many similarities in the answers given by the respondents. In focus groups 2 and 3, twelve participants said culture helps to prevent miscommunication and misinterpreting while one person expressed the same view in focus group 1. This view was held by a number of participants in the questionnaire. FG1P5 stated that 'lack of cultural knowledge may lead to misunderstanding and misinterpreting'; a similar view was held by FG3P7 who maintained, 'If an interpreter does not know the culture into which he is interpreting, he is likely to make mistakes'.

FG2P2 gave an example of non-verbal communication, that is, of 'eye contact', and averred that, 'according to the Western culture one is thought of being dishonest if you avoid direct eye contact. However, in the African culture, if you speak to an elderly person and look directly at them, that is a sign of disrespect'. This example indicates the importance of knowing the verbal and non-verbal rules of different languages to prevent miscommunication. Hale (2014:321) explains the challenges of interpreting into different languages. She emphasises that interpreters who work in community settings with participants from disparate cultural backgrounds are likely to be confronted with difficulties in accurately conveying the source message into the target message, due to cross-cultural differences. The respondents in this study were of the same view as they emphasised that court interpreters must have knowledge of culture to avoid misinterpreting and confusing anyone in court.

Scholars such as Bar-Tzur (1992:2) and Roy (1993:351) advise that court interpreters must possess knowledge of the culture in whose languages they interpret. Wiersinga (2003:47) shares the same sentiment in that the ability to interpret language codes and the ability to accomplish interpreting is partly a question of culture, and that knowing how to render meaning within the prevailing cultural patterns, is the only way of bestowing real meaning at all levels. The risk of not having any knowledge of the culture is that the speaker's utterance will not make sense to the receiver (Reeves 1994:42); this may lead to misinterpretation or the inability to interpret cultural utterances by court interpreters. Roy (1993:351) agrees that court interpreters must know that when they interpret, they communicate across the cultures and between the languages. The implication of the above statements is that unless an interpreter understands that culture, the chances of misinterpreting are considerable.

Furthermore, in focus group 1, seven of the eight participants were of the view that it is important to have cultural knowledge because some people are culture bound, and use proverbs and idioms whose meaning is not straightforward and requires intimate knowledge of the language to interpret correctly. FG1P2 replied that, 'it is important because you come across things like idiomatic expressions, and, it is very important for you to be able to note those kind of things'. He went on to say, 'for example, when people use idioms, you cannot interpret these literally, because idioms have specific meanings'.

FG1P5 added that 'if court interpreters are not conversant with the culture of the people that they interpret for, they might, for example, interpret idioms literally whereas idioms have special connotations'. These two statements demonstrate that language is culture bound and interpreters therefore should have more than a passing knowledge of the languages they interpret into and from. Culture is not only about idioms and proverbs, but also the rules that govern when and what can be said in public. Generally, in African languages, private body parts cannot be mentioned directly in public; some people follow these rules strictly even in court. FG1P3 provided an example of a child in a rape case who would not refer to a sexual organ by its name, because of not wanting to be perceived as being disrespectful. The interpreter interpreted the term literally, which resulted in loss of meaning. FG1P4 is correct in saying that 'court interpreters should know the cultural concepts used by different speakers so that they would be able to interpret these cultural aspects correctly'. Many translation scholars also highlight the importance of culture in translation and interpreting; one of these is Nord (1991:125-126) who asserts that culture plays a crucial role in translating messages as intended; to achieve this intended goal, the translator must take into account the culture-specific concepts of translation prevailing in the two cultures involved in the translation process. Katan (2004:16) regards an interpreter as a cultural mediator and argues that the interpreter has to interpret the expressions, intentions, perceptions, and expectations of each cultural group to the other. FG1P8 captures this discussion precisely: that cultural knowledge helps to put matters into perspective – 'in the right place'.

The discussion above on the importance of culture in interpreting demonstrates that the respondents in this study consider culture crucial in doing so. As pointed out by the respondents, a lack of cultural knowledge may lead to miscommunication and ultimately to misinterpretation. Issues of the relationship between language and culture are emphasised by scholars such as Kohn and Kalina (1996:119) and Pöchhacker and Shlesinger (2002:3), who make it clear that language and culture are intertwined during the process of interpreting, by defining interpreting, among other features, as inter-lingual and inter-cultural communication.

Since culture is important in interpreting, the researcher went on to ask the respondents about the challenges that court interpreters encounter when dealing with cultural issues; these are discussed in the next section.

#### 4.9 Problems encountered when interpreting cultural terms

Culture generally represents the way of life of a people, including the way they dress, talk, their beliefs, food and language among other things. These concepts are never easy to transfer from one language to another; hence, interpreters at times encounter problems when transferring these from one language to another. The questionnaire respondents were further asked to provide examples of incidents when they encountered issues of culture and how they solved them. The table below reports their responses.

*Table 4.15: Examples of cultural interpreting problems experienced  
(Questionnaire)*

<b>Examples given by questionnaire participants</b>
Traditional events where a cow or other animal is slaughtered to shed blood for the ancestors
I could not use plain language when I was interpreting for an adult Zulu male, but I had to use 'hlonipha' (respectful) language
In a rape case of a minor, I interpreted literally the word 'nonyane' (penis) and said 'bird', and this caused confusion to a white prosecutor who asked a child how her stepfather could use 'a bird' to rape her
I use words such as 'baba' (father) or 'mama' (mother) when interpreting for adults because black adults do not feel comfortable when questioned by young people
People use euphemisms most of the time in court
Afrikaans speaking minors use words such as 'padde' or 'koekie' for the word 'vagina'
Children do not call things by name
In responding to a question, an accused person said 'Eya sesi, o oipile phala mmala' (Yes, sister, you mentioned the exact colour of the springbok). I did not know what it meant and when I asked, I was told that it means 'you are correct'

As one of the respondents pointed out, African belief systems are difficult to translate, especially the ceremonies and rituals that go with them.

QP6 noted that in a particular case he struggled to interpret the terms used by the speaker when explaining traditional customs such as slaughtering an animal to shed blood for the ancestors. The problems with some of the rituals is that they have specific names in African languages but the concepts do not exist in English. The interpreter solved the problems by explaining the concept. Where cultural terms are concerned, explaining cannot be avoided; hence the researcher advocates for a model that takes facilitation into consideration.

Another challenge that the court interpreters raised, as indicated in Table 4.15 above, was the issue of euphemism which is common in African languages, especially when discussing what is considered taboo. Taboo terms include bodily functions, sex, private parts, sicknesses and death (Ndhlovu 2012). QP15 stated that she was unable to use plain language when interpreting for an adult Zulu male and had to use '*hlonipha*' (respectful) language. However, this respondent did not elaborate further what aspects she could not present explicitly. QP23 however gave an example of having interpreted for a minor in a rape case where the child used respectful language, and said the accused used '*nonyane*' (a bird) to rape her. The literal meaning of '*nonyane*' is 'a bird'. However, the context in which the child used it meant 'a penis'. The respondent said she interpreted '*nonyane*' literally as 'a bird'. According to the respondent, the interpretation caused confusion because the prosecutor was a white male person, who asked the child how the accused could have raped her using a 'bird'. In order to salvage the situation, she explained that '*nonyane*' is a euphemistic term for penis. This example proves that an intimate knowledge of culture is necessary if you are an interpreter.

As noted, in many African languages, older people are addressed respectfully; consequently, in order to communicate effectively with the courtroom participants, some interpreters stated that they address older people using respectful terms. As indicated in the table above, QP27 explained that he uses '*baba*' (father) or '*mama*' (mother) when interpreting for adults, because black adults do not feel comfortable when being questioned by young people. Additionally, they do not feel comfortable when their names are used. QP7 confirmed that people use euphemisms most of the time in court but did not provide any examples.

QP31 stated that the concept of euphemism is also common in Afrikaans and she gave a further example and stated that Afrikaans-speaking minors use words such as '*padda*' or '*koekie*' in a rape case, when referring to a vagina.

QP26 concurred and said that children do call things by name and interpreting for them is difficult. Another respondent mentioned that he/she had interpreted for an elderly person in a rape case who metaphorised the words 'he sexually penetrated me' as '*o nkeditse dilo tsa bosigo*' (he did to me things that are done at night). This discussion demonstrates that interpreters should be sensitive to the needs of their clients and present information respectfully and truthfully. Additionally, it is therefore necessary to train court interpreters on language and cultural aspects so that they are well versed in these aspects. Considering that interpreters are hired soon after Matric, it is highly likely that they will make mistakes like interpreting euphemistic terms literally, which is not acceptable. Once again, culture is part and parcel of African languages; thus, it should be centralised in interpreter training in addition to other skills.

Whilst interpreters deal with language and cultural issues, they also function in a legal environment where specialised terms are used on a daily basis. This being the case, the researcher sought to determine what challenges the interpreters encounter in interpreting specialised terms. The following section deals with this aspect.

#### **4.10 Interpreters' perspectives on problems encountered in interpreting specialised language**

Motos (2013:9) defines specialised language as a type of language used by specific knowledge communities or groups of professionals, such as chemists, lawyers, physicians, which share similar values, and institutions that use the same genres and terminology to communicate. Although African languages are developed in other arenas, they do not have a long history of being used in specialised fields such as law, health and technology and this is likely to cause difficulties for South African court interpreters. The question that was put to the respondents regarding the above statement was:

What problems do you encounter in respect of interpreting specialised language?

Table 4.16 presents the responses of the participants who completed the questionnaire.

*Table 4.16: Problems encountered in interpreting specialised language*  
(Questionnaire)

Responses	Number of respondents
Lack of vocabulary, and this can lead to the loss of confidence in oneself	17
Not understanding the language is a problem	3
Some words cannot be interpreted into English	1
I have to explain many terms due to lack of equivalent in other languages	1

With regard to interpreting specialised terms, the court interpreters pointed to the following challenges:

**(i) Lack of vocabulary**

The respondents stated that lack of vocabulary is the main challenge they face when interpreting specialised language. QP31 gave the example of a case she interpreted that dealt with uncut diamonds and stock theft. She mentioned that she faced difficulties when interpreting these types of cases because of their use of unique vocabulary, which is not employed in everyday language. As a result, she struggled with or was unable to interpret the specialised terminology used. QP11 said, ‘the experts use language or words which are confusing’. This response is in line with Motos’ (2013:9) statement, alluded to above, that specialised language is used by specific groups of professionals in communicating similar values and genres by means of distinctive terminology, in their specific environments. According to the above definition, unless one is part of such a group of professionals, it would be difficult to understand the type of language they use. QP3 expressed the same sentiments: ‘experts use the language that is not understandable’.

Lack of vocabulary may also have a negative effect on the confidence of court interpreters as revealed by QP23 who stated that, 'deficiency of appropriate vocabulary could lead to the court interpreters lacking confidence in themselves'.

Lack of terminology in African languages therefore reinforces the view that court interpreters are not professional, especially if they stammer or go blank during interpreting. This points to a need to develop specialised terms in African languages so that interpreters and translators can carry out their work professionally.

In addition to the discussion above, the researcher is of the view that untrained court interpreters who are not partially bilingual speakers are bound to suffer more from terminology issues because they do not have sufficient knowledge on how to deal with terminology problems. Angelelli (2012:1) defines bilingualism as the equal mastery of the two languages to be able to work with them or be able to interpret in both directions. From this definition, it is clear that bilingualism is not just knowing two languages; mastery of both languages is required, so that to expect Matriculants to be masters of two languages without studying them at tertiary level is to expect miracles. Valdés and Figueroa (1994:12) differentiate between two types of bilingualism, namely circumstantial and elective bilinguals. Circumstantial bilinguals are those persons who need to acquire a second language in order to survive in their immediate communities, where the second language is a societal language in which they now find themselves newly immersed. Elective bilinguals are individuals who acquire a language by choice, in a formal classroom context or less formal learning environments, and acquire a different language from their mother tongue. Most South Africans are elective bilinguals who acquired English in the classroom; at Matric level they are not specialists. Age also works against them when it comes to true knowledge of their mother tongue, especially considering that African languages are immersed in culture. There are high chances of these court interpreters misinterpreting not only specialised terminology but also cultural terms. Court interpreters require proficiency in two working languages so that messages are interpreted accurately, and this can be acquired through training. Accuracy in interpreting means that an interpreter has to take issues of culture into account, because language and culture are intertwined, and accurate interpreting cannot be achieved at the basic word level (Hale 2014:322).



Additionally, court interpreters need to be trained in language that is used in the field of law to prevent miscarriage of justice. Considering the above, this study recommends that court interpreters should receive proper training in order to address the challenges of interpreting specialised language.

**(ii) Lack of equivalents in African languages**

This theme is tied to the first one of lack of terminology. If there are no specialised terms, there are no equivalents in African languages. As noted previously, the concept of equivalence in translation was introduced by Nida in the 1960s, who called it 'dynamic equivalence'. Nida and Taber (1969:24) define dynamic equivalence as the degree to which the receptors of the message in the receptor language respond to it in substantially the same manner as the receptor in the SL. In other words, in order to achieve equivalence, the translation had to resemble the form of the message, and this was called formal correspondence (Nida & Taber 1969:22). This cannot apply to court interpreting because the speakers' utterances are influenced by culture, which must be taken into account by the interpreter when interpreting.

According to Baker (2011:18), lack of equivalence means that the target text has no direct or exact word-for-a-word substitute for that occurring in the source text; therefore one has to differentiate between equivalence at word level and above this level. She suggests certain strategies in solving these problems. In doing so at word level, she suggests, amongst others, strategies such as translation by a more general word, translation by a more neutral or less expressive word, and translation by paraphrase. In South Africa, this occurs on a frequent basis due to the lack of terminological development of African languages. This situation calls for the development of African languages to enable court interpreters to find suitable equivalents of SL words or terms in the TL. There may be a solution to this if such interpreters are taught how to develop terminology themselves. However, this might only be achieved if they enrol for programmes offered by institutions of higher learning, such as universities, where terminology creation is part of the courses. This calls for the proper training of court interpreters.

In South Africa, there are institutions such as the Pan South African Languages Board (PanSALB), North-West University, University of KwaZulu Natal, and Unisa among others, which are involved in resource and terminology development. Court interpreters should be encouraged to collaborate with these institutions, and to participate in their projects of terminology development. This could help them to build their own terminology banks in order to alleviate the said problem.

### **(iii) Not understanding the language**

Some of the interpreters said that they experience difficulty in understanding the language used in the field of law. Not understanding the language when interpreting may lead to misinterpretations. Court interpreters have to master the languages in which they interpret, and mastery comes only through study and practice. De Miguel (2000:3) mentions that court interpreters have to cope with the very distinctive language used by legal professionals, which is characterised by rigidity in structure and style, and a very conservative and specific vocabulary. The above situation calls for South African court interpreters to take language courses, especially African languages and in English, offered by higher educational institutions, which will help them to master the languages. This will help address the obstacle of not understanding the legal terminology which they may face.

One of the aims of this study is to identify the challenges that court interpreters encounter in the field; the next section discusses these.

#### **4.11 Challenges faced by court interpreters in South Africa**

The court interpreters were also asked to list challenges that are faced by court interpreters in South Africa; the table below records their responses.

*Table 4.17: Challenges faced by court interpreters (Questionnaire)*

<b>Responses</b>	<b>Number of respondents</b>
Not being recognised as professionals Being called names like 'conduits'	18
Duties are not clearly defined, leading to exploitation and abuse of court interpreters	16
Lack of rules or standards	15
Lack of training or in-house training for interpreters	11
Translating documents that are used as evidence	7
Lack of interpreter support	6
Working long hours between different courtroom courts	4
Lack of training institutions for court interpreters	2
Poor salary	2
Lack of cultural knowledge	1
Lack of language understanding	1
Difficulty in interpreting legal terms	1
Having to work as helpers in magistrates' courts	1
Made to help witnesses to get the transport fees	1
Questions are directed to interpreters, something which should not been happening	1

The challenges are grouped as follows:

**(i) Poor perception of interpreting and interpreters**

Most court interpreters lamented that they are not recognised as professionals by the public and in the courts of law, and that this leads to their exploitation and abuse. This situation is more pronounced when it is practised by the court officials who are supposed to protect, respect, and value the work carried out by these interpreters. One interpreter went as far as to say they are called 'conduits' and that some magistrates embarrass court interpreters. Some court interpreters revealed that they are at times made to work as 'helpers' in the courts of law, which is highly unprofessional. Another interpreter gave an example of interpreters being asked to arrange transport money for court witnesses. The researcher is of the view that this should not be happening, because the presiding officers are the custodians of the law and if any person's rights are being trampled upon, they have to protect such an individual. These are genuine concerns that need to be dealt with urgently, as they may have far-reaching consequences in the performance of court interpreters. This illustrates that there is indeed a need for legislation that deals with issues pertaining to interpreting and court interpreters, and which protects the rights of court interpreters. Professionalising the interpreting industry will also go a long way in curtailing these problems. One of the interpreters also mentioned the issue of low pay. Giambruno (2008:29) states that, court interpreters should be respected and adequately compensated, and the researcher supports this view.

**(ii) Undefined roles of interpreters**

From this research, it became clear that in practice, the role of interpreters is not clearly defined, with some court interpreters stating that they are asked to carry out duties outside the courts of law. These duties were mentioned earlier. One interpreter stated specifically that their duties are not clearly defined, which leads to their being abused. Scholars such as Moeketsi (1999a) and Lebesse (2011; 2013) have dealt extensively with this particular issue of the role of court interpreters in South Africa. These academics are of the view that one of the aspects that lead to the poor performance of court interpreters in South Africa is the lack of a defined role for them.

There is a need to clearly define this role. It is also necessary to clearly distinguish between translating and interpreting so that interpreters are not exploited as translators.

**(iii) Lack of rules and interpreting standards**

One of the challenges raised by court interpreters is lack of legislation governing interpreters. Some court interpreters stated that there is no act in legislation containing specific rules governing court interpreters, and as a result, they do not have guidelines in relation to their task of interpreting. This situation leads to them being exploited and not treated as professionals. Judge Williamson in the case of *State v Naidoo* 1962:631) confirms the above position and states that in relation to the courts of this country, there appears to be no statutory provision, Rule of Court or regulation governing the position of interpreters. Du Plessis (1997:1) concurs that in many countries, interpreting may be a clearly defined, well-established profession operating within a structured context, but in South Africa the profession still has a long way to go to attain the same status. Mikkelsen (2013:66) confirms that countries such as Canada and Australia have taken measures to ensure that guidance and support are given to court interpreters, and this has led to the recognition of court interpreting as a profession. This position can also be noted in countries such as the United States, where the National Centre for States Court developed a 'Model Code of Professional Responsibility for Interpreters in the Judiciary', which structured the role of the court interpreter in the following manner:

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help ensure that such persons may enjoy equal access to justice, and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfil an essential role in the administration of justice (Hewitt 1995:199).

The role of court interpreters, as defined above, serves as a benchmark because it informs them about their aims and purpose in interpreting, and sets a goal for achieving such aims. Another example is that of Denmark. The Danish legal system laid down guidelines for court interpreters in a document called 'Instructions for Interpreters'; all court interpreters are expected to follow these instructions when carrying out their interpreting task (Jacobsen 2002:223). The 'Instructions for Interpreters' lays down four principles that must be followed by all court interpreters: accuracy and completeness; impartiality; confidentiality; and lack of conflict of interest. In addressing the dilemma raised by the respondents, Lebesse (2014:184) is of the view that for South African court interpreters to be able to carry out their duties competently, they need to be guided by some sort of legislation that deals with issues of court interpreting. This legislation must clearly define the norms and standards of practice to be followed by all court interpreters.

Meulenbergs *et al.* (2004:331) define 'standards of practice' as a set of professional guidelines grounded in a code of ethics, which encompasses related values and principles. These standards are often used to identify desired qualifications, specify expectations and evaluate the execution of required skills within a given profession. The standards of practice will help both the DoJCD and prospective court interpreters by ensuring that only candidates who meet the criteria set, are employed. It will also encourage court interpreters to attain the required qualifications for interpreting before applying for any interpreting job. By so doing, this will minimise the situation of employing incompetent court interpreters.

#### **(iv) Interpreter training and continuous training**

Interpreter training was high on the list of challenges that are encountered by court interpreters. On the issue of training, the respondents mentioned that they are simply sent to court without being given training or in-house training. They are not directed to workshops, where they could empower themselves. As a result, this creates problems for them when confronted with the intricate interpreting facets of culture, where they have mentioned they lack knowledge. The fact that court interpreters are not trained was confirmed at the beginning of this chapter when only three court interpreters of the 32 who completed the questionnaire were found to be in possession of relevant qualifications.

Furthermore, the respondents raised the aspect of language knowledge, that they require more training in the languages they use so that they can deal with terminology problems more effectively. The researcher is in support of this view because language is at the centre of interpreting. Du Plessis (1997:1) is of the opinion that apart from knowledge of languages, an interpreter must have other specialised skills and techniques, as stated in Chapter 2. Claus (1997:1) concurs in that the demands of court interpreting are complex and require not only knowledge of language but also extensive knowledge and proficiency therein. The aspect of training of interpreters is a most crucial one, and in this respect Gile (2009:1) notes that it is increasingly recognised that formal training in translation institutes (including interpreting schools) is the most practical way to teach and test abilities to provide the market with reliable professionals.

**(v) Confusion between interpreting and translation**

The respondents mentioned that they are made to perform duties that are outside the ambit of interpreting, for example, translating documents that are used as evidence during the court proceedings. They stated that their task is confused with that of translators. This confusion is also contained in legislation, namely in section 6(2) of the Magistrates' Court Act 32 of 1944 (as amended). This piece of legislation, as mentioned, states that: 'If in a criminal case ... a competent interpreter shall be called by the court in order to translate such evidence'. As explained previously, there is a difference between translating and interpreting, so that to expect interpreters to translate documents is to abuse their position. The courts should hire trained translators to perform these duties. Being forced to perform duties outside their scope may affect the performance of court interpreters negatively, as they would not know whether they have to translate or interpret.

**(vi) Interpreter support**

Beside a lack of legislation governing their profession, respondents also mentioned that there is no one to protect them. They lamented the lack of institutions giving them any support. This complaint is accurate, because in South Africa there is no institutional body dealing with court interpreting issues to which court interpreters may subscribe. There is an institution called the South African Translators Institute (SATI).

However, SATI deals mainly with issues of translation, although it does accommodate interpreting aspects. In South Africa, there is a dire need for an institution that deals strictly with court interpreting aspects, that will look at the interests of court interpreters.

**(vii) Long working hours**

Some respondents mentioned that they work long hours and that they become affected by fatigue, which leads to their poor performance. Interpreting involves a great deal of concentration, as the interpreter has to listen, comprehend, reformulate and convey the speaker's utterance into the listener's language. Gile (2009:158) observes that interpreting requires mental energy and sometimes entails more than is available, at which times performance does deteriorate. Ramirez (2010:148) concurs that the mental fatigue experienced by interpreters results in an impediment to their performance and compromises the accuracy of the court record. Under these circumstances, Ramirez (2010:148) recommends a team interpreter approach, especially in cases that require prolonged interpreter service. A team interpreter approach refers to the practice of utilising two or more interpreters on a rotating basis. These interpreters work in tandem and provide relief to one another after a predetermined time limit. It is clear that the team interpreter practice holds benefits not only for the court interpreter who is given a respite every so often, and as such can perform better when interpreting, but also for the person being interpreted for, as well as the court.

**(viii) Questions directed to interpreters**

One respondent raised the above concern because presiding officers would ask them questions directly instead of asking the speaker. The researcher during observations also witnessed officers asking direct questions to interpreters. This situation may lead to problems because, by implication, the presiding officer is asking for the interpreter's opinion. This shows that presiding officers lack a knowledge of how the process of interpreting should be carried out. The duty of the interpreter is to convey the speaker's utterances to the listener and *vice versa*, not to give his or her own opinion, unless they are asked to do so, which is also not permitted.



In a nutshell, court interpreters encounter numerous challenges in their line of work; top of the list is that they are not treated as professionals. Abusing court interpreters and calling them names is wrong and should be dealt with urgently. Lack of a clearly defined role was also high on the list; this also reinforced the abuse of court interpreters who are even asked to carry out the duties of helpers. There is a need to train court interpreters so that they are respected as professionals. The above stated challenges need to be addressed, if court interpreters are to receive the recognition they deserve because they provide a crucial service that has a direct impact on the carriage of justice. The next section focuses on interpreters' perspectives on training opportunities for court interpreters in South Africa.

#### **4.12 Interpreters' perspectives on training opportunities for court interpreters in South Africa**

In this section, the study examines the court interpreters' perspectives on training opportunities for such interpreters that are offered by institutions other than the in-house training offered by the DoJCD in South Africa. This theme emerged from the views of the court interpreters who lamented lack of training, which hinders their performance. To examine their perspectives, respondents were asked: Are there training opportunities for court interpreters in South Africa? If yes, outline these. Below are the responses from the respondents.

*Table 4.18: Are there training opportunities for court interpreters? (Questionnaire)*

<b>Number of respondents indicating 'Yes'</b>	<b>Number of respondents indicating 'No'</b>	<b>Number of respondents indicating: 'I don't know'</b>
15	13	4

Fifteen respondents indicated that there were training opportunities in South Africa for court interpreters. Among them, QP3 mentioned that, 'institutions such as the Justice College, Unisa, University of Witwatersrand, and Potchefstroom University (currently University of North West) were offering training to court interpreters'.

Most interpreters were aware of the training opportunities that were offered by the University of South Africa. QP30 stated that, 'Universities and colleges offer training opportunities'. In contrast, 13 interpreters claimed there were no training opportunities for interpreters; this indicates that many interpreters do not make any effort to discover these and that further training is not their priority. QP26 asserted, 'there are no training opportunities, and court interpreters are not given any opportunity to attend training'. This statement may be true, especially noting that the most experienced interpreters did not possess qualifications in interpreting. To deal with this problem of lack of training, QP31 suggested that Unisa collaborate with the DoJCD to offer training. Four respondents indicated that they do not know if there are training opportunities for court interpreters. If 17 interpreters are not aware of training opportunities that are present in their field, this shows that the majority of them are not concerned about training or specialising in the field. This state of affairs is disheartening because court interpreters are the very people who should be pushing for training in order to improve their performance. Additionally, it is important to make these interpreters aware of the institutions offering training, so that they can register for and attend it. This will assist in improving their performance of interpreting. Training should be accessed on a continuous basis as skills constantly need to be refreshed. This will definitely advance the court interpreting profession in South Africa.

The next discussion relates to the respondents' responses in the questionnaire regarding the question of interpreters' perspectives about the models of interpreting.

#### **4.13 Interpreters' perspectives on interpreting models**

This study focuses on interpreting models; as such, it was important to establish the views of court interpreters on such models. The question concerning models of interpreting is aimed at answering the third aim of the study, namely,

- to examine how the international models of interpreting function in the South African context and their impact in this jurisdiction's courts of law.

The participants who completed the questionnaire and who participated in the focus groups were asked the question:

What is your understanding of a model of interpreting, and which models do you use? The responses from the questionnaire are presented below.

*Table 4.19: Interpreters' perspectives on interpreting models (Questionnaire)*

<b>Responses</b>	<b>Number of participants</b>
Both consecutive and simultaneous	8
I use the consecutive	3
Manner in which interpreting is done	3
I use the simultaneous	2
I use the short consecutive	2
Cognitive model, which is a pedagogical one	1
Simultaneous and liaison	1
Two ways in which interpreting is done	1
It is used as a guide for interpreting	1

In the table above, only one interpreter was aware of what models of interpreting are; the majority mentioned modes of interpreting as examples in place of models. The said interpreter knew of the cognitive model. Eight participants said they knew of consecutive and simultaneous models. Three knew of consecutive and two of simultaneous interpreting; these are modes or types of interpreting. From the information gathered from the questionnaire, it is clear that most court interpreters in South Africa do not know what court interpreting models are, and that their previous definitions were born of experience and not training. It is necessary therefore to formulate an interpreting model that will meet the needs of South African interpreters.

The same question was posed to the focus group participants. Table 4.20 contains the responses.

*Table 4.20: Interpreters' perspectives on interpreting models (Focus group 1 and 2)*

<b>Focus Group 1</b>	<b>Number of respondents</b>
Types of models that I know of, is simultaneous and consecutive	6
A model of interpreting is differentiating between simultaneous and consecutive mode	2
I know consecutive model	1
A model of interpreting is a form of interpreting	1
I do not know about models of interpreting	1
A model of interpreting is a type of interpreting	1
A model of interpreting is a methodology that is used by interpreters to interpret	1
A model that I know of is consecutive interpreting	1
<b>Focus Group 2</b>	<b>Number of participants</b>
I know Gile's model	7
Consecutive	4
Models guide interpreters to follow certain rules to do their work properly	3
Simultaneous	3
Models help interpreters improve their Interpreting skills	1
Cognitive model	1
Models enables in differentiating different kinds of settings	1
I use the communication model	1
A certain way of labelling interpreting	1

In focus groups 1 and 2, some participants only answered one part of the question, whilst others answered both parts. The researcher noticed that in the event where the participants answered only one part of the question, the facilitator would follow up and ask them to respond to the second part of the question as well. However, but they failed to do so because they did not have an understanding of what models are (the transcripts of the discussion appear in Appendix K of this study). In focus group 1, only one interpreter provided a correct definition of what a model is; the remainder could neither define nor give correct examples of models. As in the questionnaire, the participants confused models and modes of interpreting. They gave examples of modes of interpreting such as consecutive and simultaneous. This demonstrates that most court interpreters are not knowledgeable about the models of interpreting. In focus group 2, however, most interpreters knew of models of interpreting. Seven said they knew of the Giles model, while two interpreters cited the cognitive and one the communication model as an example. This group displayed better results than other groups and it is possible that the participants influenced each other during the discussion. Furthermore, knowledge of only one model per interpreter proves that court interpreters in South Africa are not well trained in the field, again pointing to a need for further training.

With regard to the definition of a model, a few participants in the focus groups had a vague idea of what a model is. For FG2P5, 'a model of interpreting is a guideline which court interpreters must follow when interpreting'. This definition, though vague, is not far from the truth because a model does provide guidance on performance. A model of interpreting is a representation of the interpreting phenomenon (Frigg & Hartmann 2006:1). Pöchhacker (2010:84) expands on this definition by stating that a model is an assumption about what something is like and how it functions. Therefore, a model of interpreting serves as guidance for the way in which interpreting functions.

The majority, however, did not know what a model is. FG2P3 stated that, 'a model of interpreting enables an interpreter to differentiate between the different kinds of settings'.

This definition is completely ambiguous and shows a lack of knowledge of what models are.

GP2P7 stated that, 'a model of interpreting is a set of ideas that describes the past, the present, and the future'. This definition is vague and indicates a lack of understanding of the nature of models.

FG2P11 thought 'a model of interpreting was a certain way of labelling interpreting', whilst another was not exactly sure what these models are. FG2P14 acknowledged that he did not know what models are, 'I did not know what models of interpreting are until I came to this workshop'. It is clear from this discussion that most court interpreters are not knowledgeable about what constitutes a model and unfortunately the same is true of focus group 3. The results of this focus group are presented below.

*Table 4.21: Understanding and use of interpreting models (Focus Group 3)*

<b>Responses</b>	<b>Number of participants</b>
Both consecutive and simultaneous	8
I use the consecutive	3
Manner in which interpreting is done	3
I use the simultaneous	2
Cognitive model, which is a pedagogical one	1
Simultaneous and liaison	1
Two ways in which interpreting is done	1
I use the short consecutive.	1
It is used as a guide for interpreting	1

Focus group 3 was no different from others. The majority of interpreters confused modes of interpreting with models of interpreting and gave examples such as consecutive and simultaneous. Only one interpreter knew of the cognitive model but could not define what a model is. From the information gathered from the focus groups and the questionnaire, it is clear that most court interpreters in South Africa are not aware of court interpreting models and that their previous definitions of interpreting were born of experience, not training.

This again proves that training is required to equip interpreters with the necessary knowledge and skill to carry out their duties effectively. It is therefore also necessary to formulate an interpreting model and to train interpreters about the models so that they have a basis for what they do. The next section explores how interpreting takes place practically in the courts of law so as to determine what models interpreters align themselves with and the duties they carry out in the courts.

#### **4.14 Analysis of the courtroom observations**

In this study, the researcher also observed court interpreters in action, so as to directly witness what they do in court. Fourteen court cases were observed: nine from different District courtrooms, and five from different Regional courtrooms. These types of courts have been explained previously. Court observations gave a practical slant to the views of the interpreters. A few extracts from the court cases will be presented and then analysed in line with the findings made above.

#### **4.15 Models of interpreting that are used in the South African courts**

In the study, the researcher noted that most court interpreters are aligned to the helper models, which gives them power to make decisions on behalf of the clients. That is, interpreters summarise and or omit information which could be crucial in a case. An example of this is presented in the robbery case below.

##### **Case 1 – District court**

This was a case of robbery, where two accused were appearing before court for sentencing. The prosecutor addressed the court concerning the aggravation of the sentence. During the address by the prosecutor, the interpreter was not interpreting. After the prosecutor's address, the attorney addressed the court in mitigation of sentence. It was only after the attorney did so that the interpreter started interpreting. In interpreting, the interpreter gave a summary of what had been said by the prosecutor and the attorney. As the court was passing judgment, the interpreter did not interpret the first part of the judgment. The interpreter only started interpreting the second part of the judgment where the magistrate stated that, 'the court is satisfied that both accused intended pleading guilty and that they are guilty as charged'.

During the sentencing stage, when the magistrate was stating the personal circumstances of both accused for the record, as well as the fact that they had made a plea statement through their attorney, the interpreter did not interpret this part.

The interpreter merely began interpreting when the magistrate started mentioning that, 'the court takes into account the seriousness of the offence, the accused personal circumstances, and the interest of the society'. The sentence was also interpreted.

As can be seen from the record in this case, the court interpreter did not interpret the submissions made by the prosecutor when addressing the court on the aspects of aggravation of sentence. Omitting information in a case is erroneous because the accused is privy only to incomplete information, and this could affect the outcome of a case. After the accused's attorney addressed the court in mitigation of sentence, the interpreter also provided a summary of what had been said by the prosecutor and the attorney. Summarising leads to omission and is regarded as inaccurate interpreting. During the sentencing stage, the interpreter omitted interpreting the first part of the utterance, which dealt with the accused's personal circumstances, and which was only interpreted during the second part of the sentencing stage. The method of interpreting that was used was similar to one of the definitions of interpreting: that it is summarising. As discussed earlier, summarising information is not encouraged because it gives the interpreter the power to decide which information the clients are privy to. The information that is left out might be vital to the outcome of the case.

After the court adjourned, the researcher conducted an interview with this particular interpreter. The interpreter was asked if she felt comfortable to allow the speakers to speak for long periods at a time before she interpreted. This question related to the stage when she did not interpret the prosecutor's words but summarised these together with the address by the attorney. She was further asked whether she did not think that she might miss out on certain information during interpreting. Her response was that she does not interpret everything but she summarises, especially during the plea stage. The interpreter was aware of the fact that she was summarising and did not see anything wrong with this. Lack of training is a factor that makes interpreters comfortable with acting incorrectly, demonstrating that training is essential in South Africa.



Summarising and omitting information may likewise have a negative effect on the outcome of a case and should be avoided. Another case that was characterised by summarising was Case 2, which is presented below.

### **Case 2 – District court**

This case concerned the sentencing of the accused. The attorney was placing mitigating circumstances on behalf of the accused before court.

The interpreter did not interpret most parts of the address by the attorney, but instead summarised what the attorney said, only fully interpreting the sentence to the accused.

Similar to Case 1 above, the interpreter in this case allowed the speaker to speak for a long time and did not interpret everything, but only summarised what the speaker said. The interpreter omitted certain information during interpreting, as in the first case, proving that in the South African courts there is a negative tendency to omit information. By summarising and leaving out information, interpreters are abusing the rights of accused people who are left in the dark on some aspects of their cases. In order for trials to be fair and just, the accused should be privy to all the information. A number of interpreters stated that they joined the profession because they witnessed cases being lost as a result of poor interpreting, yet these cases prove that sub-standard interpreting is nonetheless taking place. Another case where this method was used is Case 5, which is considered below.

### **Case 5 – Regional court**

In another courtroom, the accused person was appearing before the court for the second time. The public prosecutor placed on record that the case had been postponed previously, to this particular day, for the police docket to be brought before the court. The accused's attorney addressed the court regarding the issue of bail, stating that the accused did not have any previous convictions and that the police had confirmed his address. The interpreter did not interpret this. Only when the case was postponed did the court interpreter start to interpret.

After the court adjourned for the day, the researcher held an interview with the interpreter. This particular interpreter was one of the respondents who participated during one of the focus groups discussions.

During the interview, the researcher wanted to ascertain from the interpreter as to why she did not interpret everything that had been said in court. The court interpreter responded as follows: 'This will be repetition, because what the public prosecutor and attorney say will be repeated by the magistrate. The magistrate does not want us to do this'. From this statement, it seems the magistrates are the officers who decide what can be interpreted and what cannot; in short, they decide how much information the clients get to hear.

In other words the magistrates are the officials who promote summarising as a method of interpreting; hence some interpreters believe that court interpreting is summarising.

Incidentally, during the interview, an attorney and the public prosecutor were next to us. Without being invited to the interview, the attorney intervened and said the following to the researcher: 'Mr. Lebesse, what you are saying the interpreter has to do, will take us the whole day, we will not finish.' The public prosecutor added that: 'This will be time-wasting, as one thing will be repeated over and over.' The attorney went on to declare: 'To say the interpreter must interpret everything is practically impossible in court.' The researcher then asked the attorney the following: 'Why? Since the interpreter is present, why can't she interpret everything?' The attorney responded by saying: 'It will take the whole day and we will not finish.' From this exchange of information, it is clear that court officials are more concerned about time saving than respecting the rights of the accused. This aspect confirms what Takeda (2007:22) states: that institutional constraints decide how court interpreters should carry out their task in courtroom settings. In this sense, court interpreters are instruments in the hands of court officials, rather than professionals who are there to serve the needs of people who require their language services. In short, there are high levels of unprofessionalism in the courts, and these are promoted by court officials. From the observations, nearly all the court interpreters omitted crucial information during the process of interpreting. From what is happening in the courts, interpreting can be defined as summarising, which is incorrect. The next sections discuss the duties of court interpreters as observed in practice.

## **Duties of interpreters as observed in the courts**

When discussing the challenges faced by interpreters, as has been indicated most of the interpreters complained that their role was unclear and that they are at times asked to carry out duties that do not pertain to their profession. The researcher observed to what extent this was true; he noted that indeed the court interpreters went beyond their duties. In a culpable homicide case, the interpreter asked questions that should be posed by the magistrate. The case is discussed below.

### **Case 3 – District court**

The accused in this case was charged with culpable homicide. An attorney appointed by the Legal Aid Board represented the accused. The prosecutor put the charge to the latter by reading out the charge from the charge sheet. The court interpreter took the charge sheet from the prosecutor and sight-interpreted the charge to the accused, after which he asked if the latter understood the charge. Agrifoglio (2004:43) defines sight interpreting as a hybrid between written translation and interpreting because the ST is written and the TT is spoken. In this mode of interpreting, the interpreter reads from a written document and interprets the contents thereof, orally to the listener. By asking the accused person whether he understood the charge, the interpreter acted outside the boundaries of interpreting, and contrary to the prescribed role of a conduit or translation machine (Berg-Seligson 2012; Roy 1993; Lee 2009). As pointed out in Chapter 2 of this study, it is the duty of the presiding officer, not the interpreter, to ask whether the accused understands the charge.

The accused was found guilty; the magistrate, before postponing the case, said to the interpreter: 'Indicate to the accused that since he is convicted, the law requires him to be kept in custody, unless an application is made otherwise'. The interpreter did not interpret this instruction, which was a grave omission. This further verifies that omission is common in the courts of law. The attorney requested the court to release the accused on a warning. The prosecutor indicated that she did not object. During these communications, the interpreter did not interpret this to the accused, but only interpreted when the magistrate postponed the case. As can be seen in this particular case, the interpreter did not interpret most of the communications between the magistrate, the attorney, and the prosecutor.

As with Case 1 and Case 2 in the previous section, interpreters are acting contrary to what they should be doing as professionals because they do not know any better. Clearly, court interpreters should be trained so that they are aware of their precise roles in the courts of law.

Additionally, court interpreters should stay within their limits in terms of the duties that they carry out. In another case, the interpreter was observed explaining the rights of the accused to legal representation.

### **Case 6 – District court**

In Case 6 that was observed in a District court, the accused was appearing for the first time in court. The court interpreter started by explaining to the accused his right to legal representation, without the magistrate having said anything. The practice seems common, as the magistrate did not question the court interpreter's conduct in this regard. To recapitulate: Explaining the accused's rights is the duty of the magistrate, not of the interpreter. The court interpreter's duty is to interpret to the accused what the magistrate says. The prosecutor requested that the case be postponed for further investigation and that the accused be granted bail. The court interpreter did not interpret what the prosecutor said; this is omission. The magistrate postponed the case.

During the interview, the researcher asked the court interpreter why she was explaining the right of legal representation to the accused. Furthermore, she was asked why she was only interpreting in certain instances and not every time the magistrate spoke. In respect of the first question, the court interpreter replied that she usually explains the rights of the accused to legal representation whenever the accused appears before the court for the first time. This verifies that in South Africa, there is no clear role for interpreters and erroneous conduct has been normalised in the courts of law. Regarding the second question, the response from the court interpreter was that the prosecutor, magistrate, and attorneys repeat material, which is why she does not interpret everything said during the proceedings: an indication that court interpreters decide what information is important. By deciding what to interpret to the accused and what not to, the court interpreter was following the 'helper model'.

As indicated in Chapter 2, the helper model is generally criticised for giving too much power to the interpreters and should be avoided. Another case that was observed in the District courts is presented in summary below.

### **Case 9 – District court**

This was a first appearance case, in which the three accused appeared on a charge of theft. The magistrate said to the court interpreter: 'Please explain the accused's right to legal representation'. The interpreter started interpreting the rights, as follows:

*'Jaanong mo molatong o, le ka ipatlea loyara ya lona, e lona le tla e patelang. Ge le se na tšhelete, le ka kopa loyara ya puso. Ga le e patele. Kgotsa le ka ipuellela. La nkutlwa?' (Now, in this case you can get your own lawyer that you will have to pay by yourself. If you do not have money, you may ask for the state lawyer. You do not pay for it. If not, you can speak for yourself. Do you hear me?).*

Similar to other court interpreters above, this particular court interpreter goes on to explain the accused persons' right to legal representation, although it is not the interpreter's duty to do so. In addition, like the previous interpreters, this particular interpreter did not ask why she is required to explain these rights. Since different interpreters comply when asked to explain the accused's right to legal representation, this practice has been normalised. Apart from this aspect, the court interpreter in this case, after explaining the rights, made an addition to her interpretation by asking the accused a question: 'Do you hear me?' The procedure after explaining the accused's right to a legal representative is that the magistrate would ask if the accused understands, not 'do you hear me?' as the court interpreter enquired. It is, however, not clear why the court interpreter used different wording.

In this case, the magistrate instructed the court interpreter to explain the accused's right to legal representation, although this is not the interpreter's duty to do so. This confirms the statement that was made by participant QP3, 'we are made to perform the duties that are outside the ambit of interpreting'. The above fact indicates that the role of the court interpreters is not clearly defined, and is dominated by a mechanistic conception where interpreters are perceived to be mere machines (Pöchhacker 2004:147). This affords further proof that there is no model of interpreting which guides them.

### **Case 7 – District court**

In another case in the District court (Case 7), the prosecutor requested that the court postpone the case in order to supply the defence attorney with copies of the contents of the police docket, to prepare for the defence's case. The magistrate asked the attorney if that was the arrangement, which the attorney confirmed. The court interpreter did not interpret these communications. The date was arranged for this purpose between the magistrate, the prosecutor, and the defence attorney.

When the magistrate postponed the case, he said the following: 'Interpreter, tell the accused that the matter is postponed for disclosure of docket', and mentioned the date. The court interpreter then interpreted what the magistrate said, and interpreted the date as well.

It should be noted that the magistrate addressed the interpreter directly instead of addressing the accused person. The magistrate further instructed the court interpreter to tell the accused that the case was postponed for the docket to be disclosed. What should have actually happened is that the magistrate should have postponed the case and mentioned the reason for this, and not instructed the interpreter to do so. It seems that the magistrate considers the duty of the court interpreter to be that of a messenger, in which the court interpreter has to convey the magistrate's message to the accused person. It is understandable why some court interpreters defined interpreting as telling and their role as that of 'a messenger'. Their definitions were born of experience as to what is happening in the court; considering that nearly all of them have not been trained, they believe that what they are asked to do by the court officials is correct. Another aspect at play here is that of power relations between the magistrate and the court interpreter. The magistrate seems to have more power than the latter does. This is because the magistrate instructs the court interpreter to 'tell the accused ...' instead of requesting the interpreter to interpret the communication to the accused. This scenario again verifies the challenges mentioned by the court interpreters, that at times they are addressed directly and asked questions, which should not be happening in a court of law. It appears from the magistrate's conduct that this particular magistrate does not understand how interpreting is performed and what the role of the court interpreter is supposed to be.

## **Case 1 – Regional court**

The last example which further demonstrates that interpreters carry out duties that are not in line with their profession is from this case. In this courtroom, as the magistrate was entering the court, the court interpreter told the gallery to rise, saying, 'rise in court'. This is not the duty of the interpreter.

The police officer who is working in court and who is referred to as the 'court orderly', normally carries out this duty. What is strange about this is that the court interpreter informed the gallery to rise despite the court orderly being present in the courtroom. Again, the court interpreter carries out tasks that belong to other courtroom officials, which offers another indication that court interpreters lack guidance in respect of their duty.

The examples given above, prove beyond doubt that court interpreters are jacks of all trades. They undertake all kinds of duties that have nothing to do with their profession. Anderson (in Pöchhacker and Shlesinger 2002:213) refers to this conduct as a type of role ambiguity within a single role. Outside the courtroom they translate documents that are used as evidence and act as 'helpers', as they stated during focus group discussions. This reinforces the point that it is essential to define the role of court interpreters and that these duties should be stated in a manual that will be used countrywide so that all courts are aware of the boundaries set for interpreters. Training is essential, because what is happening is largely the result of lack of training and knowledge deficiency on the part of the court interpreters.

In summary, court interpreters summarise and omit information as they please, which results in partial interpreting. This type of interpreting might potentially impact negatively on the outcome of the cases as their clients are not privy to all information. Although most court interpreters defined their role as that of communication facilitators, most of them do not in fact facilitate; they act as helpers who decide what their clients can hear and what they cannot. This method of interpreting is encouraged by court officials who are more concerned about saving time than the rights of the accused people. It is necessary to educate these officials about what interpreting is and how interpreters should carry out their duties. The latter also need to be trained so that they may carry out their duties professionally.

Furthermore, court interpreters seem to carry out other duties that are outside their ambit. Clear role definition would go a long way towards eliminating this problem.

#### **4.16 Conclusion**

The aim of this chapter was two-fold: to investigate how South African court interpreters perceive the phenomenon of interpreting and the challenges they encounter.

Furthermore, to examine how international models function in the South African context. In the chapter, codes were used to identify the respondents. The researcher noted that more than ninety percent of the respondents did not possess a qualification in interpreting, which means they are practising without any form of training. He argues that lack of training does impact negatively on the performance of the respondents.

In the chapter, it was also noted that most respondents were motivated by the desire to assist participation of the accused in courtroom proceedings to join the interpreting profession. The 'helper' mentality, which is in line with the helper model, is not encouraged since its proponents tend to make decisions on behalf of the participants. A high number of the respondents joined the profession because they were passionate about the job, which is commendable. Two court interpreters stated that they joined the profession after experiencing people losing cases due to poor interpreting; this made them passionate about protecting other people from the same fate. The experiences of these court interpreters confirm that some accused in South Africa do lose cases due to poor interpreting services, which is not acceptable.

In defining the term court interpreter, most respondents said that such a person is a communication facilitator; the researcher concurs with this definition. However, there are some court interpreters who viewed themselves as helpers, conveyers, messengers and language facilitators, among other roles. Their definitions were in line with international models such as the conduit model where an interpreter is perceived as a machine who does not add or subtract information. The conduit model was considered as unrealistic in the South African environment, amongst others.



With regard to defining the term ‘court interpreting’, most respondents viewed it as a process that involves listening, taking down notes and producing information in the target language, among other aspects. The definition of court interpreting as a process shows that some court interpreters have a broader understanding of what interpreting entails, although they have not been trained. This information is beneficial in the development of a model, discussed in the next chapter.

It was also revealed that court interpreters face many challenges, which include a lack of terminology in the specialised field of law. This points to a need to develop specialised terms and resources that can be used by interpreters. Culture also created difficulties, especially with regard to the use of euphemistic terms. Court interpreters should be encouraged to acquire a deep knowledge of culture since African languages are immersed in it, so as to avoid misinterpretations. Besides linguistic and cultural challenges, the court interpreters lamented that they are not respected in the courts of law; this led to their abuse by court officials. Some officials called them names and embarrassed them in the court, which is disturbing and unacceptable. Lack of training could be one of the reasons why court interpreters are not respected; thus, it is important to train and professionalise them. With regard to models of interpreting, the researcher discovered that the majority of respondents did not know what models are. Instead, they confused modes of interpreting with models, which is a sign of lack of training. In practice, most court interpreters aligned themselves with the helper model as they were observed by the researcher taking liberties with information – summarising and omitting information at will. This chapter has underscored the importance of training court interpreters in language, culture, subject specific knowledge and on interpreting so that they are able to make informed choices on models that are pro-client.

The next chapter will build on the foundation laid by this one to construct a model of interpreting.

## **CHAPTER 5**

### **DEVELOPING A SOUTH AFRICAN COURT INTERPRETING MODEL**

#### **5.1 Introduction**

The purpose of this chapter is to address the last aim of the study, which is

- to formulate an interpreting model that is informed by South African languages, cultures and court experiences.

This is in line with Pratt's definition (2007: iii) of the term 'model', in that it is a representation which explains the nature, structure or working of a natural or social phenomenon clearly, and represents a system of relations. This chapter will develop a South African model based on the previous chapter's definitions, descriptions and observations in the local courts. Pöchhacker (2010:84) simplifies the definition of a model as making an assumption about what something is like and how it functions, and points out that it can be regarded as a particular form of theoretical endeavour. By developing this model, the researcher hopes to provide a locally applicable definition of a court interpreter as well as of interpreting, and to clarify the important variables that form part of this model. This is in line with what Pöchhacker (2010:84) says, namely that a model of interpreting comprises of two elements: its type, and a number of components that are assumed to form part of the interpreting phenomenon. In other words, the chapter will reflect the way in which the components of the process of interpreting fit together, and how they relate to one another in describing the phenomenon of interpreting. The descriptions, definitions and variables will be drawn from the findings and conclusions that were presented in the previous chapter.

#### **5.2 Identifying variables that will inform the models**

The next section presents the variables that were identified in the formulation of a court interpreting model.

##### **5.2.1 Interpreter training**

The researcher found that the majority of the court interpreters were hired based on having passed Matric and their ability to speak two languages.

Of the 32 participants who completed the questionnaire, only three had attained qualifications in the field of language and/or interpreting. Most had not even attended in-house training.

As the study progressed, it was noted that some court interpreters face linguistic challenges. Most court interpreters had no background in English or African languages training. Although they could define what interpreting is and explain the role of an interpreter, they could not define what a model is or give examples of models. During court observations, it was noted that most court interpreters are influenced by the 'helper model', which gives them liberties to do as they please with information. Most summarised and omitted information at will, which means the client heard only what they deemed important. In so doing, the court interpreters were supported by the court officials. In the light of these findings, it is important to train court interpreters so that they are equipped to function in this specialised and demanding field of law. They should be trained in language and cultural matters and in interpreting so that they may provide professional services. Court interpreters should be steeped in both the theory and the practice of interpreting.

In the definition of a model, it was stated that a model of interpreting should provide definitions and descriptions of what interpreting is. In the previous chapter, the researcher asked the participants to provide definitions and also observed the court interpreters in practice in order to gain a broader view of what actually transpires in the courts of law. The next sections explore these definitions.

### **5.2.2 Defining the term 'court interpreter'**

In Chapter 4, it was noted that court interpreters defined the concept of a court interpreter in different ways. Most of these definitions were aligned to those used largely by international scholars of interpreting and translation studies, such as Roy (in Pöchhacker & Shlesinger 2002:351), Leanza (2005:186-187) and Hale (2008:101) to explain models of interpreting. It was surprising, though, that when most South African court interpreters were asked directly about models of interpreting, they could not name these.

Fifteen court interpreters in the questionnaire defined a court interpreter as a facilitator of communication, while 14 did so in the focus groups; this is clearly in line with the facilitator model.

The second most commonly used definition was that of a court interpreter as a mediator, which aligns with the facilitator role. QP7 and QP1 made these points. From these definitions, it is clear that a court interpreter stands at the centre of the communication process.

As stated in the previous chapter, the researcher aligns himself with the definition of a court interpreter as a communication facilitator because it is descriptive in nature and it allows interpreters to explain concepts that are complex.

Whilst most court interpreters defined their roles as facilitating communication, some of them aligned with the helper model. This has been criticised by many scholars as shown in Chapter 2. The researcher does not subscribe to this model; hence it will not form part of his approach. In addition to the helper model, some interpreters viewed themselves as conduits, which is in line with the conveyor model where the interpreter simply conveys the utterances from one language into another, without considering issues of culture. This model poses a challenge for the South African court interpreters because in this country speakers make use of cultural aspects when communicating. These need to be interpreted correctly in order for the meaning to be understood.

In this study, the researcher views a court interpreter as a communication facilitator; this concept will inform the South African model. The researcher emphasises the importance of training interpreters so that they can apply a model that is pro-client, instead of jeopardising cases by filtering information.

### **5.2.3 Defining the term ‘court interpreting’**

As regards the definition of the phenomenon of court interpreting, the first noticeable feature is that the respondents presented different definitions. For example, they defined it as:

- **Conveying the message** orally from SL into the TL. This study does not support this definition because it is aligned to the conduit model that views an interpreter as a machine. This is not possible in the South African context because at times cultural terms need to be explained.
- **Facilitating communication** in court proceedings, by putting the message across into the TL.

The researcher is of the view that a court interpreter is a facilitator of communication; this definition also features in the model of court interpreting formulated in this study.

- **Helping a person** who does not speak English to fully participate in court proceedings. This definition is in keeping with the helper model.

The disadvantages of this model were discussed earlier. The helper model is therefore, considered inappropriate (Roy 1993:349) and will not form part of the model of court interpreting that is formulated for the South African court interpreters.

- **Breaking the communication barrier** between the parties who do not understand the language of the court record. This definition speaks to the language situation in South African courts. English and Afrikaans used to be the two languages used for record during the court proceedings; however, the majority of people appearing in court do not speak these languages. As indicated, in 2017, it was decided that English would be the only language of record in South African courts. Pöchhacker (2005:682) notes that interpreting not only enables communication but also facilitates it. Kohn and Kalina (1996:118) affirm that interpreting is a communicative interaction between members of different language communities, mediated by interpreters. This study considers court interpreting as a stratagem used during communication to break the communication barrier. This definition will be considered in the formulation of the court interpreting model in this study.

- Most court interpreters defined court interpreting **as a process**, which involves various steps. QP1 said court interpreting is a process of listening actively, comprehending, abstracting the message from the words, searching for conceptual and semantic matches, and reconstructing the message in another language. This approach was supported by QP5 who regarded it as a two-phase process involving listening, analysis, and remembering; not just replacing the SL utterance with the TL utterance. The two definitions above are in line with that of Gile (1995:179) who conceptualised the two phases involved in interpreting as the listening and note-taking phase, and the remembering and production phase. During the courtroom observations, one court interpreter was observed listening to the courtroom participant speaking and also took notes whilst the participant was speaking. When he started interpreting, he consulted his notes whilst interpreting.

This shows that the interpreter not only relied on his memory to be able to interpret, but also made use of the notes that he took to refresh his memory. This indicates that interpreting is indeed a process because it involves a number of phases that must be completed.

Taking into account the research done in the literature review, the findings from questionnaires and group discussions and the observations made in court, the elements that are central to court interpreting are: listening, analysing, notetaking, remembering and communicating the message orally or in signed language to the target receiver. That being the case, the researcher is of the view that court interpreting is a process that involves listening, analysing, notetaking, remembering and communicating the message orally or in signed language. The court interpreter should be trained and be a language and culture expert. These variables will form part of the new model.

#### **5.2.4 The duties of a court interpreter**

There is much controversy concerning the duties of court interpreters. In the study, they stated that they are not respected as professionals and are often asked to carry out duties that are outside their profession. Examples given by QP4 and QP26 were cited. When the researcher observed the court interpreters in practice, he also noted that it is common practice them to overstep the boundaries of their duties. In order to identify a solution to this problem, the researcher asked the court interpreters to define their duties; most indicated that their duty is to interpret in confessions; consultations; trials; pre-trial conferences; and to interpret documents used in court, to the accused. These duties fall within the ambit of interpreting. However, some added that their duty is to translate legal documents and exhibits, completing the court book, and assisting the client by delivering speech in the desired language. When asked if they had obtained qualifications in translation studies, the court interpreters stated that they possessed none. The thought that interpreters who are not trained in interpreting and/or translation are given so much power over the evidence that can be used to convict people is disturbing because, as already argued, misinterpretations in a field such as law may result in people going to jail for crimes they never committed. It was also pointed out in Chapter 2 that translation and interpreting differ because the processes involved in the two processes are different.

The DoJCD should employ qualified and trained translators to translate the documents and should not use unqualified interpreters to do so. The Magistrates' Court Act 32 of 1944 section 6(2) (as amended), which describes the duty of court interpreters as 'to translate' must be amended once again to reflect that interpreting is not translation.

A clear demarcation of the role of interpreting will be a component in the creation of a model of interpreting. A clear definition of the duties of court interpreters will help eliminate their exploitation.

#### **5.2.5 Who should define the role of the court interpreter?**

Regarding the question of who should define the role of court interpreters, the following are the findings:

**Court interpreters:** Fourteen respondents were of the view that the court interpreters themselves should define their own role. The basis for their views is that such interpreters perform the task of interpreting, and as a result, they understand the dynamics involved. Although these court interpreters hold the view that they should be given the mandate to define their roles, research proves that, they lack the knowledge of the intricacies involved in the task of interpreting. As a result, they are not in a position to define their own role.

**Court officials:** Some court interpreters were of the opinion that court officials should define this role. The underpinning of this view is that magistrates, prosecutors, and attorneys are the persons who rely on the services of the court interpreter in order for their clients to be able to deal with the evidence in court. However, allowing these court officers to define the role of court interpreters may be a futile exercise as there is no evidence to show that they are knowledgeable about the fundamentals of interpreting. Scholars such as Pöchhacker (2010:147-148) do not favour this approach. The reality on the ground in South African courts proves that court officials have little respect for court interpreters and do not value the contribution of the latter in the courts. As such, the former cannot be given the power to define the duties of the latter.

**Legislature or the Constitution:** Six respondents, namely QP5, QP7, QP15, QP20, QP28 and QP30, suggested that the legislature or the Constitution should define this role and argued that if this role is defined by legislation, people will respect the role of the court interpreters. The Constitution is the highest law in the country; however, this does not guarantee that because the role of court interpreters might be stipulated in it, people will give due regard to this role.

The researcher is of the view that it would be a good practice to include not only the role of court interpreters in the Constitution, but also all aspects dealing with issues of court interpreting. This will protect the rights of court interpreters, as well as of those who depend on their services.

**Collaborative effort:** Some respondents suggested that a collaborative approach should be used to define the duties of court interpreters so that the views of all stakeholders are considered. This includes the court officials, the Department of Justice and Constitutional Development, court interpreters, lecturers in interpreting and linguistics. The researcher concurs with this view but submits that the individual or individuals who will define this role must be knowledgeable about issues pertaining to interpreting. This argument concurs with that of Du Plessis (1997:2) who warns that interpreting is a complex phenomenon of which the intricacies have to be understood if one wishes to discuss it without misunderstandings arising. Ekvall (in Pöschhacker & Shlesinger 2002:211) additionally notes that the interpreter's role is always partially defined, as the role prescriptions are objectively inadequate. This situation happens where persons who define this role are not knowledgeable about the fundamentals of interpreting. When the definition of this role is left to those who lack such knowledge, it will result in role ambiguity.

### **5.3 The importance of culture in interpreting**

Court interpreters were asked about the importance of culture in interpreting; the respondents stated that knowing the source and target cultures is important. That is, knowing the culture of a client helps the interpreter to be aware of which linguistic instruments to use when addressing the client. QP4 and QP18 made this point. Another interpreter gave an example of using euphemistic language when discussing taboo terms.



In focus groups 2 and 3, twelve participants declared that culture helps to prevent miscommunication and misinterpreting; this view was also held by a number of participants in the questionnaire. FG3P7 and FG2P2 gave examples which show that it is important to know the verbal and non-verbal rules of different languages to prevent miscommunication.

Scholars such as Bar-Tzur (1992:2) and Roy (1993:351) advise that court interpreters must have knowledge of the culture in whose languages they interpret. The researcher therefore views culture as a central variable in interpreting. It will inform his South African model.

#### **5.4 Interpreting specialised language**

To reiterate: law is a specialised field that requires court interpreters to have knowledge of terminology related to the field. In Chapter 4, it was noted that court interpreters face challenges when interpreting specialised language. QP13 mentioned that the problem with interpreting specialised language is that some words cannot be interpreted into English. QP7 said that the lack of vocabulary in interpreting specialised terms, leads to interpreters having to explain something by using many terms due to lack of equivalent words in SL. It cannot be denied that African languages lack terminology in specialised fields like Law, but in the case of court interpreters, lack of training plays a major role in their failure to interpret specialised terms. This points to a need to undergo language training; indeed, specialisation in the field of the language of law is a necessity so that court interpreters are able to handle legal language. The researcher is of the view that a court interpreter should be a trained linguist and this variable should form part of the South African model.

In order to develop a representative model, it is important to understand the challenges that interpreters face so that solutions can be identified. In Chapter 4, court interpreters were asked about the challenges that they encounter in the field; a summary is presented in the next section.

#### **5.5 The challenges facing court interpreters in South Africa**

In Chapter 4 the respondents listed a number of challenges facing them when carrying out their duty of interpreting.

These challenges are important because they highlight issues that need to be improved. In the study, it was noted that the public and the court officials have a **poor perception of interpreting** as a discipline and of court interpreters as professionals. This reinforces the need for legislation that deals with issues pertaining to interpreting and court interpreters, and which protects their rights. Professionalising the interpreting industry will also go a long way in curtailing these problems.

Another challenge stated by the interpreters was that of the **undefined interpreter role**.

In Chapter 4 it was revealed that interpreters are usually asked to carry out duties that are outside their scope. Scholars such as Moeketsi (1999a) and Lebesse (2011; 2013) have dealt with this particular issue in the role of court interpreters in South Africa extensively. These scholars are of the view that one of the aspects that lead to the poor performance of such interpreters in South Africa is the lack of a defined role for them. The researcher emphasises the importance of a clear definition and that this should be stated in a document that will be used as a reference point.

Another challenge that was raised by court interpreters is **lack of legislation governing interpreters**. Some stated that there is no Act containing specific guidelines for them. This situation leads to them being exploited and not treated as professionals. Lebesse (2014:184) expressed the view that South African court interpreters need to be guided by some sort of legislation, and in the present study reiterates that this must clearly define the norms and standards of practice to be followed by all court interpreters.

**Interpreter training** was high on the list of challenges that are encountered by court interpreters. The lack of training creates difficulties for them when confronted with the intricate interpreting facets of culture; they note that their knowledge of it is scanty. The issue of training was dealt with in depth at the beginning of this chapter, and will constitute another variable in the South African model of interpreting.

In Chapter 4, it was also revealed that court interpreters are used as translators: a result of the confusion between translation and interpreting with many people thinking they are interchangeable. This should also be dealt with.

Some respondents mentioned that they **work long hours** and that they become affected by fatigue, which leads to poor performance. Interpreting involves much concentration, as indicated. The researcher therefore recommends a team approach to interpreting whereby two or more court interpreters work on a rotating basis. The above stated challenges will be addressed in the recommendations section where the researcher will suggest ways of dealing with some of these problems. He will also keep these challenges in mind so that the model does not impact negatively on the court interpreters. In order to develop a representative model, the researcher asked them to recommend ways of improving the interpreting discipline and profession; their views are presented in the following section.

## **5.6 Improving the profession of court interpreting in South Africa**

To obtain their perspectives, the respondents were asked to: Recommend ways of improving the South African court interpreting profession. These recommendations follow.

*Table 5.1: Recommendations for improving interpreting in South Africa*

<b>Responses</b>	<b>Number of respondents</b>
Court interpreters must be given proper or standardised training.	16
To have a legislation that regulate and protect court interpreters.	9
The role of court interpreters should be clarified or defined so that everybody understands what they do. To involve legislature in the definition of the role of court interpreters.	8
Court interpreting should be given legal and professional recognition	5
To establish norms and standards for court interpreters.	3
Create a structure that can assist interpreters regarding their work.	1
Employers must be invited to the interpreters' workshops so that they can have an understanding of what involves the interpreters' task.	2
The entry level or requirement to be an interpreter should be a university or college diploma.	2
Training in respect of languages.	1
Appointment letter to specify interpreters' duties.	1
To provide funding for the training of court interpreters.	1
To have computers and research books for interpreters.	2
To have 12 months internship programme in the DoJCD.	1
To form a board of interpreters that will accredit them.	1
To consider offering counselling to court interpreters, since they may be affected by cases that they are involved in.	1

The recommendations obtained from the respondents were arranged according to themes and analysed by the researcher for inclusion in the model of this study.

The proposals are grouped as follows:

**(i) Change entry requirements and employment criteria**

The respondents recommended that the DoJCD change the criteria for the employment of court interpreters.

They were of the view that these interpreters must be required to possess a qualification from a higher institution of learning, for them to be appointed in such a position, and that this must be a set rule.

**(ii) Appointment letter to specify interpreters' duties**

QP12 suggested that court interpreters should be issued with an appointment letter stipulating their duties, and they must carry out only the duties as stated in this letter. In other words, this will be the court interpreters' job description. This step will help to protect them against exploitation.

**(iii) Training**

The issue of training was alluded to by most of the court interpreters. The respondents indicated that they do not receive the necessary training that enables them to cope with the challenges of interpreting. Beukes (2004:1-2) confirms that the training of translators and interpreters in South Africa has always been a controversial one because the perception exists that these two professions are simply a skill that does not need a theoretical background. According to Beukes (2004:1-2), the perception is that one can learn translation/interpreting through practice only, and this view has had a negative effect on the performance of court interpreters.

The respondents further added that the employer must provide funding for training. Moreover, they recommended that the in-house training has to be improved. The respondents indicated that training through tertiary institutions is essential for them. Benmann (1992:447) supports the suggestion of the training of interpreters in institutions of higher learning and adds that interpreter training should be based on some branch of higher learning, which presents a theoretical and scientific basis as the underpinnings of the skills demonstrated. The researcher also holds this view.

**(iv) Establishment of a support organisation or governing body for court interpreters**

Respondents proposed the establishment of an organisation or governing body of court interpreters which will accredit them; they should become members. Accreditation will help protect their occupation against those who are not qualified to enter the practice.

This will support the court interpreters in respect of the daily challenges facing them. The practice is followed in the United States where interpreters are required to subscribe to the FIT, and this body accredits them as well.

**(v) To have a 12 months' internship programme in the DoJCD**

The respondents advocated that the DoJCD should embark on an internship programme, where court interpreter graduates are given an opportunity to gain practical experience in interpreting. The researcher favours this view because those offered an opportunity to obtain experience, can afterwards be absorbed into the department. The advantage is that the DoJCD would ensure that only competent interpreters are employed.

**(vi) Resources**

With regard to resources, the respondents suggested that court interpreters be provided with computers, reference works, and research books. This proposition will form part of long-life learning and training because it will encourage court interpreters to learn more about interpreting.

**(vii) Counselling**

One respondent mentioned that court interpreters become emotionally involved in cases that affect them personally. She gave, as an example, case law where she had to interpret for a female complainant in a rape case. In such cases, she is tempted to interpret the evidence in favour of the complainant because she is a victim, and a woman, just like the respondent. If she were to interpret in this way, this would have affected her neutrality and compromised her task of interpreting. The respondent suggested that the employer should consider offering counselling to court interpreters whose emotional wellbeing is affected by such cases.

The researcher affirms this view because the instances mentioned by the respondent are a reality, and since court interpreters are human beings, they are subject to such issues.

#### **(viii) Improve the status of interpreting**

The participants suggested that interpreting as a profession should be uplifted so as to protect its practitioners from abuse at the hands of court officials. The participants were of the view that they are treated as tools, not as professionals.

Other issues raised by the respondents were the lack of rules and interpreting standards. The respondents suggested the creation of legislation that deals with issues pertaining to interpreting to solve this predicament by protecting them against exploitation and abuse; interpreting standards should prevent those who are not qualified as court interpreters from intruding into the profession of court interpreting.

On improving the status of interpreting, five respondents recommended that in order for this profession to function according to accepted standards, it should be given legal and professional recognition. Their views are in line with scholarly assessments. Mikkelson (2008:82) and Hale (2010:440) observe that in most of the world's jurisdictions, court interpreting has not attained professional status in terms of either recognition or performance. A court interpreter's interpretation should be evaluated based on whether he or she has some form of sanctioned certification or registration. Based on the above, Mikkelson (2008:86) is of the view that a professionally certified status could help to improve legal officials' view of interpreters and their activities, irrespective of their actual level of proficiency. When interpreters are perceived as professionals regulated and governed by a code of conduct, they acquire a status, which enables the law to recognise them as something closer to officers of the court (Mikkelson 2008:90-91; Hale 2010:441). From the above discussion, it is clear that improving the status of interpreting should assist court interpreters to be treated with dignity and compel them to act professionally. The issues raised by the participants are now taken into consideration in developing a model and providing recommendations for this study. If these are implemented, they will aid in professionalising the occupation of court interpreting in South Africa and ultimately accord court interpreters recognition. The next section presents the proposed South African model.

## 5.7 A South African court interpreting model

The following is based on the findings of this study. It is termed the 'South African Court Interpreting Model'.

### **Type of interpreting model – socio-linguistic-cultural model**

The approach that is suggested by the researcher is a socio-linguistic-cultural model of interpreting. This is an extension of the socio-linguistic model, which emphasises interpreting as a social service that is linguistically based. This study adds the cultural aspect to the model because culture is a mainstay in the South African context as shown in the discussion above. This model also views court interpreting as a process in line with the socio-linguistic model. In the study, it is regarded as a process that begins when the first speaker articulates the message, the interpreter listens, takes down notes (as an option), decodes the information, encodes it in the target language and then presents it to the target receiver. The same process is repeated when the information is sent back to the first speaker. Effective communication is central to this model; furthermore, the interpreting process is cyclical; the roles of the first and second speakers might be interchanged. The role of the interpreter in this process is to facilitate communication between two or more people who cannot comprehend each other because of language barriers.

This model is relational because it takes into account the linguistic and cultural needs of the participants. In other words, it focuses on the social and behavioural determinants of the interpreting activity, embeds interpreting within a broader framework of social communication and draws attention to the role of the interpreter (Setton 2013:365).

### **Terms, variables and tenets of the model**

This section defines terms, describes variables that inform the model and shows how these are related, in line with the definition of court interpreting; it also discusses the model's major tenets and submissions.

According to the South African Court Interpreting Model, a **court interpreter** is regarded as a trained and a professional language and culture expert who facilitates communication in a court of law between two or more interested parties orally or by sign language.



Hence, **court interpreting** is a professional service offered by trained, professional language and culture experts who facilitate the process of communication between courtroom participants orally or by sign language.

In the next sections, the submissions and major tenets of the model are discussed.

- **Court interpreting as a professional service**

The model states that interpreting is a service because court interpreters provide essential services to the public who cannot understand the languages that are used in the courts of law in South Africa, English and Afrikaans. The services provided by these interpreters are essential to the freedoms and rights of many people in South Africa; as a result, this service calls for professionalism. Court interpreting, therefore, is regarded as a professional service in its own right. The model was classified as a social model for these reasons. However, in the light of the challenges that were stated in this study, the researcher recommends that court interpreting should be professionalised so that professional services can be provided to the users of these language. Professionalising this field necessitates that court interpreters undergo training; thus, the latter is central in this model.

- **Interpreter training**

According to this model, training is a prerequisite for one to be a court interpreter. Prior training should include language and cultural training, training as regards the processes of court interpreting and or knowledge of the culture, and court cases among others. The minimum requirements for employing interpreters should be a certificate or diploma in interpreting with emphasis on language and culture training. The issue of training is central for the reasons mentioned. Training should also be continuous because court interpreters need to be up to date with the developments in their field.

- **An interpreter as a language and culture expert**

In the study, it was noted that court interpreters are employed on the basis of their ability to speak two languages. The researcher argues that bilingualism by itself is not an adequate qualification for one to be an interpreter. Hence in this model, a court interpreter should be an expert in the language and cultural issues arising from their working language combinations.

- **Court interpreter as a facilitator of communication**

In the South African context where there are terminology problems in specialised and cultural areas, the facilitator role gives the interpreter licence to explain utterances so that full comprehension and effective communication is achieved. This model could be dangerous when used by untrained interpreters but is effective when used by trained ones who understand their boundaries and responsibilities.

- **Court interpreting is a process**

The South African model acknowledges that court interpreting is a cognitive process, as described earlier. At times note-taking is necessary depending on the type of interpreting that will be taking place. This being the case, interpreters should be trained about communication processes and cognitive processes to better understand and fulfil their roles and duties.

- **Oral or sign language interpreting**

The model recognises that court interpreting refers not only to spoken language but also to sign language. For this reason, interpreters should be trained in different types of interpreting.

The model explained above is descriptive in nature as it defines, describes, and explains the phenomenon of interpreting. Hence, it emphasises relational aspects such as social communication and its individual performance as a complex cognitive and linguistic operation (Setton 2013:365). This model is a representation of what court interpreting should be in South Africa and serves as a guide to its practitioners.

## **5.8 Conclusion**

The aim of this chapter was to address the last aim of the study, which is to formulate a home-grown model that is based on the reality of what is occurring in the South African court system. This was done by analysing the findings of the study and the recommendations that were provided by the court interpreters. The researcher developed a socio-linguistic and cultural model which views court interpreting as a professional service that is offered to the public by trained language and culture experts to facilitate communication in the courts of law. In the study, culture is made central: the researcher advocates for intimate knowledge of language and culture so that effective communication will take place.

The culture variable means that at times interpreters have to explain concepts so that comprehension is fostered. An interpreter as a facilitator of communication has the licence to explain where necessary; thus the researcher defines a court interpreter as a facilitator of communication. He warns such interpreters against abusing this role and explaining concepts unnecessarily. In the South African model, training in language, culture and interpreting is emphasised. Training should also be continuous so that court interpreters are always up to date with what is happening in their field. By developing this model, the researcher hoped to clarify what interpreting is, specify the role and duties of court interpreters, describe the process of what transpires during court interpreting and propose effective improvements in these respects.

## **CHAPTER 6**

### **CONCLUSION AND RECOMMENDATIONS**

#### **6.1 Introduction**

As mentioned in Chapter 1 of the study, no models of court interpreting have been formulated for South African court interpreters to serve as directives in their task of interpreting. The result is that South African court interpreters depend on international models for guidance. Some of these models do not apply to the South African linguistic context, since they are formulated using metaphorical language that is extraneous to the South African languages, and do not capture the actual situation. As a result, the imported models pose a challenge to the court interpreters in attempting to understand the phenomenon of interpreting. The researcher is of the view that if court interpreters are enabled fully to comprehend the concept of court interpreting according to the South African context, they will be in a better position to accurately carry out their task.

This study used the DTS approach to examine and understand how interpreting takes place in the South African context; the following questions were addressed:

1. How South African court interpreters perceive the phenomenon of interpreting and the challenges they encounter in the field?
2. How international models were formulated, by whom and why?
3. How international models function in the South African context, and their impact in the courts of law? and
4. Formulate an interpreting model that is informed by the South African languages, cultures, and court experiences.

It is hoped that the findings of this study will contribute to the theory and practice of interpreting by formulating a court interpreting model that is informed by the South African context. It is also hoped that this model will serve as a guide for South African court interpreters in carrying out their task. The following section provides a brief overview of the contents of the chapters of this study.

## **6.2 Overview of chapters**

Chapter 1 presented the background to and rationale to the study by giving a brief summary of the discussion of the phenomenon of interpreting and its origins and how the term is defined. The chapter continued to examine interpreting in South Africa with special reference to court interpreting. The aims of the study were defined. The chapter then specified the methodology to be followed in this study. It concluded by presenting an outline of the study.

Chapter 2 reviewed literature on the dynamics of court interpreting. It started by examining the phenomenon of translation and that of interpreting, with a view of investigating if there was a difference between the two.

The literature showed that interpreting was subsumed under translation, and that its processes relied on those of translation. This is deduced especially from Roy's statement (1993:128) that interpreting was defined in the broadest sense of translation as "the transfer of thoughts and ideas from one language (source) to another (target)". This definition was later on abandoned. One of the arguments was based on the immediacy in which the interpreting product was produced, as interpreting is regarded as a process that happens instantaneously without delay. It was concluded that interpreting could no longer be defined in the broadest sense of translation, and that it required a definition different from that of translation.

The latter situation led to scholars to formulate different definitions of what interpreting ought to be. These scholars formulated the definitions of interpreting by describing the process of interpreting. However, they did so without involving interpreting practitioners in this process. As a result, these definitions were found to be in conflict with one another, and were prescriptive in nature. As people started training in the field of interpreting, scholars began researching the practice of interpreting and they also started contributing to defining what interpreting is. Scholars such as Kohn and Kalina (1996:10) and Pöchhacker and Shlesinger (2002:3) considered interpreting as communication, which not only required knowledge of languages, but also that of the culture of those languages. The literature further indicated that there are different types of interpreting, and each type applies to a setting in which interpreting takes place.

Having knowledge of these settings assists in guiding interpreters to employ the correct type of interpreting in a particular kind of a setting.

On the discussion of the models of court interpreting, the literature further revealed that judicial officers, who were themselves not practising court interpreters, prescribed earlier models of court interpreting. Their lack of knowledge on court interpreting matters led to one model of interpreting being replaced by another. These models were in conflict with what court interpreters were actually doing when interpreting; as such, they objected to these models and started to formulate their own ones. In doing so, they looked at how the process of interpreting was unfolding and formulated the models of interpreting in this way. This can be seen in the instance where court interpreters argued that their role was that of bilingual-bicultural specialists. Furthermore, the chapter discussed the three theories of translation, namely equivalence-based theories, target-oriented theories, which comprised of the functional theory, DTS, and cultural studies. Lastly, translation as manipulation was discussed.

In Chapter 3, the methodology and methods of data collection used in this study were considered. The qualitative method was selected in this study; the qualitative research tools that were used were focus groups, questionnaires, courtroom observations, and interviews. Using these instruments, court interpreters were able to provide the definitions and descriptions of the phenomenon of interpreting, and explained certain aspects relating to this phenomenon. Since the data was collected using human participation, ethical principles were adhered to.

Chapter 4 presented and analysed the data collected through the methodology chosen for this study, in order to address the two aims of the study as indicated in the chapter.

More than three quarters of the selected participants were practising court interpreters without a qualification in court interpreting and in African languages. This state of affairs shows that South African court interpreters are employed without having prior knowledge of the interpreting phenomenon and its intricacies. In respect of the first aim, the respondents were asked in a questionnaire what motivated them to become interpreters.

They revealed their motivations as: passion for languages, the desire to speak on behalf of others, and wanting to provide an essential service, as motivation for becoming interpreters. Passion is central in any career and those court interpreters who stated this are commended, however, many stated that they want to help or assist people in court which is in line with the helper model. Being a helper in court gives undue powers to court interpreters.

Another question that sought to understand how the respondents perceive the phenomenon of interpreting a court interpreter drew such responses as a facilitator of communication, a language facilitator, a mediator, and a conveyor of messages. Although these definitions relate to what the court interpreters do when interpreting, they do not include aspects such as culture. In other words, the respondents think that interpreting involves only language aspects, and they ignore the cultural knowledge elements although, as indicated in Chapter 2, culture plays a crucial role in communication.

The definitions of a court interpreter provided by respondents in the questionnaire were similar to the responses to the same question given by the respondents during the focus group discussions. It is important to mention that these definitions of a court interpreter are analogous to the definitions used internationally but it has to be mentioned that the linkage was done unconsciously as when the interpreters were asked directly about models of interpreting, they did not know of them.

The respondents were also requested to define the concept of court interpreting in order to acquire their perceptions about the phenomenon of interpreting. Among these definitions, the definition of court interpreting as facilitation of communication also featured strongly. However, many saw themselves as helpers and conveyors.

A further question that sought to understand the court interpreters' perspectives of the phenomenon of interpreting was to explain or describe the duties of a court interpreter. As in previous discussions, these respondents also considered interpreting as communication and that the interpreter facilitates this communication.

The respondents, when asked directly about the impact of culture on their practice, were unanimous in saying that culture is important and gave examples of how misinterpreting cultural terms can negatively impact on communication.

Subject knowledge was also regarded as central since law is a specialised field. The chapter also focused on the challenges facing the court interpreters in South Africa. The issues raised by them show that they are unable to perform their interpreting duties effectively because they lack guidance, and that this is due to an indeterminate role definition, lack of proper training, and lack of support.

As already indicated, the second aim of the study was to examine how the international models function in the South African context, and their impact in the South African courts of law. Most respondents' answers related to the modes of interpreting, and not the models of interpreting. As indicated in this study, models serve as guides to interpreters, and the lack thereof shows that they are working without any guidance. In conclusion, by means of the results obtained from the data analysis in this chapter, the researcher was able to develop a model for South African court interpreters.

Chapter 5 addressed the last aim of the study, namely to formulate an interpreting model that is informed by the South African languages, cultures, and court experiences. The model formulated is a home-grown model of court interpreting based on the respondents' knowledge of a model of interpreting, and the reality of what is happening in the South African court system. The findings of the study were used as a basis to identify the variables that could be incorporated into the model. The study found that most court interpreters view their role as that of a facilitator of communication and the researcher concurred with this definition. However, many other definitions also emerged.

As noted, the term 'court interpreting' was viewed as a process of facilitating communication. The model also emphasised that the interpreter should be a language and cultural expert and that training in the working languages is central. The model that was designed shows clearly what court interpreting is, while it also defines a court interpreter, their duties and the processes they are involved in when interpreting.



### 6.3 Recommendations

In light of the findings and conclusions of this study, the researcher makes the following recommendations.

- **Employment criteria:** As the data revealed that the court interpreters join the profession of court interpreting without sufficient knowledge of the fundamentals of interpreting, the study recommends a change in the DoJCD's manner of court interpreter recruitment. Prospective court interpreters must have a qualification in interpreting and languages. This practice will ensure that only qualified court interpreters are appointed. A qualification may not at all times guarantee that a candidate will perform well, but it will be a step in the right direction for appointing candidates who have the knowledge of the fundamentals of court interpreting. Later on, the selected candidates must attend in-house training. This study recommends that court interpreters be sent to such training directly after appointment and before any actual interpreting takes place, so that by the time they practise interpreting in court, they do so in the correct manner.
- **Interpreter training for practising interpreters:** data further revealed most practising court interpreters lack training. This study recommends that training be offered to practising court interpreters through in-house training and by their studying through academic institutions of higher learning, such as universities. With regard to in-house training, the researcher recommends that the DoJCD appoints qualified trainers in the field of court interpreting, who have themselves undergone tuition as regards training such interpreters. In doing so, the DoJCD will ensure that by the time the novice court interpreters leave the training, they are well equipped and prepared. It is crucial that the training addresses issues pertaining to the theory and practice of court interpreting, language use, communication, and legal aspects among others. In achieving the above, it is advised that the duration of training be extended for a duration of six months or more and not be rushed as is currently done. This will ensure that the training produces quality court interpreters. Most importantly, they must be trained with respect to issues of language and culture, as cultural concepts pose a challenge in interpreting, if not understood. Bilingualism on its own, is not a qualification to become an interpreter.

- **Continuous training:** As part of the training, the researcher encourages a culture of life-long learning for court interpreters, as well as their trainers. The DoJCD must urge and assist them to do research in interpreting to keep abreast of the new trends in the field of interpreting. They must also be encouraged to participate in interpreting and court interpreting workshops and conferences. This must be done by involving all the stakeholders.
- **Setting standards of practice:** the findings of the study indicated that the absence of standards of practice and law governing the practice of court interpreting exposes court interpreters to various forms of abuse. The researcher recommends the enactment of legislation to deal with the profession of court interpreting in detail. The law must include issues such as the requirements for appointment as stated in the preceding paragraphs, the definition of the phenomenon of interpreting, clarification of the duties of court interpreters, the rights of the court interpreters, and the code of conduct.
- **Establishing a professional body:** this study further revealed that court interpreters lament that there is no professional body to protect them. This study, therefore, recommends an establishment of a body or a legal association of court interpreters, to which all of them must subscribe and of which they must be members. The association must give support and protection to the court interpreters' rights. The professional body could work in collaboration with SATI on the issues of testing and accreditation of court interpreters, because SATI is a vibrant accrediting body of language practitioners, and its experience could benefit the professional body of court interpreters. The study recommends further, that more research be carried out in the field so that theory may feed into practice.

It is hoped that these recommendations will be implemented so as to improve the profession of interpreting.

#### **6.4 Contribution of the study**

The literature review revealed that not much research has been carried out in the field of court interpreting in South Africa. In consequence this study gives a broad and in-depth view of the theory and practice of court interpreting in South Africa. The information presented will be beneficial to court interpreting students, scholars, court interpreters themselves and should impact policy on interpreting.

The recommendations of the study also have the potential to improve the training of court interpreters in South Africa.

To recapitulate: the main aim of this study was to formulate a South African model that takes into account the experiences and needs of court interpreters in the country. The fulfilment of this aim entails that the study contributes to the theory of court interpreting and offers a model which defines what it is and what the duties of court interpreters are. The study emphasised training as a prerequisite for one to practise as a court interpreter and continuous training as essential for one to improve their practice. The study also contributes to the field of cultural studies since culture was emphasised as a mainstay in communication. It is hoped that the recommendations made in this study will be implemented for the good of court interpreting.

### **6.5 Limitations of the study**

This study specifically focused on court interpreting in South Africa so as to gather data that could be used to develop a model of court interpreting that is locally based. Because a model deals with definitions and linkages to show what transpires during interpreting, this study focused only on how court interpreters define terms such as court interpreter, court interpreting and on defining roles and duties of these. The findings of this study are merely specific to certain areas in the South African environment but could be used as a basis to understand the challenges faced by other African countries.

The researcher encountered a number of challenges during the data collection stage with some questionnaires not being completed, nevertheless, adequate data was collected to reach tangible conclusions.

### **6.6 Future research**

The researcher has recommended ways of improving the profession of court interpreting in South Africa. It is hoped that emerging researchers in this field will further develop models of this activity to serve as a guide for South African court interpreters. The researcher is of the view that further research based on other provinces in this country could shed more light on the difficulties facing such interpreters.

Furthermore, the data collected from these provinces could open other avenues from which research in the field of court interpreting might be approached to assist in solving the challenges facing its practitioners in South Africa. The study suggests a cognitive approach to understand how the process of interpreting should be carried out in this country.

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## APPENDICES

### Appendix A: Ethics Approval for PhD Research Project

# UNISA

## DEPARTMENT OF LINGUISTICS AND MODERN LANGUAGES: RESEARCH ETHICS REVIEW COMMITTEE

08 September 2015

Ref # TS SJL009_2015 Mr SJ Lebese Student 06103456
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Dear Mr Lebese

<b>Decision: Ethics Approval</b>
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**Name:** Mr SJ Lebese  
1087 Mineral Street  
Claremont,  
Pretoria 0084  
012 429 2476 / 079 805 7905

**Supervisor:** Dr K Ndhlovu

**Proposal:** Formulation of court interpreting models: A South African perspective

**Qualification:** D Litt et Phil

Thank you for the application for research ethics clearance received on 19 August 2015 by the Department of Linguistics and Modern Languages Research Ethics Review Committee (RERC) for the above-mentioned research. Final approval is granted for the research undertaken for the duration of your doctoral studies.

For full approval: The application was reviewed in compliance with the Unisa Policy on Research Ethics by the Department of Linguistics and Modern Languages Research Ethics

Review Committee on 31 August 2015.

The proposed research may now commence with the proviso that:

1) The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.

2) Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the Department of Linguistics and Modern Languages Research Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.

The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Note:

The reference number (top right corner of this communiqué) should be clearly indicated on all forms of communication (e.g. Webmail, e-mail messages, letters) with the intended research participants, as well as with the Department of Linguistics and Modern Languages RERC.

On behalf of the departmental RERC, we wish you everything of the best with your research study. May it be a stimulating journey!

Kind regards,

Prof EJ Pretorius

Chair: Department of Linguistics and Modern Languages RERC

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## Appendix B: Ethics Approval for Community Engagement Project

DEPARTMENT OF LINGUISTICS AND MODERN LANGUAGES:

RESEARCH ETHICS REVIEW COMMITTEE

26 November 2015

Ref #: CEOI\_SL\_2015

Mr S Lebese

Staff #: 9017 1101

Dear Mr Lebese

Decision: Ethics Approval for Community Engagement project

Name: Mr S Lebese  
Department of Linguistics and Modern Languages  
P O Box 392, Unisa  
Pretoria 0003  
012 429 2476

Community Engagement Project: *Become a language interpreter*

Thank you for the application for research ethics clearance received on 12 October 2015 by the Department of Linguistics and Modern Languages Research Ethics Review Committee (RERC) for the above-mentioned community project. Final approval is granted for the community engagement and the research undertaken for the duration of the project.

For full approval: The application was reviewed in compliance with the Unisa Policy on Research Ethics by the Department of Linguistics and Modern Languages Research Ethics Review Committee and given final approval on 25 November 2015.  
The proposed project may commence with the proviso that:

- 1) The staff member will ensure that the project adheres to the values and principles expressed in the UN/SA Policy on Research Ethics.
- 2) Any adverse circumstance arising in the undertaking of the project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the Department of Linguistics and Modern Languages Research Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the participants.
- 3) The staff member will ensure that the project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Note:

The reference number (top right corner of this communicate) should be clearly indicated on all forms of communication (e.g. Webmail, e-mail messages, letters) with the intended participants, as well as with the Department of Linguistics and Modern Languages RERC.

On behalf of the departmental RERC, we wish you everything of the best with your community engagement workshop and study. May it be a fruitful journey!

Kind regards

Prof EJ Pretorius

Chair: Department of Linguistics and Modern Languages RERC

Tel: (012) 429 6028

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## Appendix C: Amended Ethics Approval for PhD Research Project

### DEPARTMENT OF LINGUISTICS AND MODERN LANGUAGES: RESEARCH ETHICS REVIEW COMMITTEE

19 May 2017

Ref #: TS\_SJL031\_2017

Mr SJ Lebese

Student #: 06103456

Dear Mr Lebese

**Decision: Ethics Approval**

---

**Name:** 1087 Mineral Street,  
Claremont  
Pretoria 0084

**Tel:** 012 4292476 / 079 805 7905

**Supervisor:** Dr K Ndhlovu  
Dr N Mollema

**Proposal:** Formulation of court interpreting models: A South African perspective

**Qualification:** PhD – Translation Studies

Thank you for the amended application for research ethics clearance, received on 15 May 2017 by members of the Department of Linguistics and Modern Languages Research Ethics Review Committee (RERC) for the above-mentioned research. The committee is satisfied that your amended application to observe and interview court interpreters meets ethical criteria, with consent granted by the relevant magistrates. Approval is hereby granted for the research undertaken for the duration of your doctoral studies.

***For full approval:*** The application was reviewed in compliance with the Unisa Policy on Research Ethics by the Department of Linguistics and Modern Languages Research Ethics Review Committee on 19 May 2017.

*The proposed research may now commence with the proviso that:*

*The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.*

*Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the*

*Department of Linguistics and Modern Languages Research Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.*

*The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.*

*Note:*

*The reference number (top right corner of this communiqué) should be clearly indicated on all forms of communication (e.g. Webmail, e-mail messages, letters) with the intended research participants, as well as with the Department of Linguistics and Modern Languages RERC.*

On behalf of the departmental RERC, we wish you everything of the best with your research study. May it be a stimulating and fruitful journey!

Kind regards

Prof EJ Pretorius

Chair: Department of Linguistics and Modern Languages RERC

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## Appendix D: Consent Form for Completion of a Questionnaire

### CONSENT FOR COMPLETING A QUESTIONNAIRE

Dear Participant

You are invited to participate in a research study on the "FORMULATION OF COURT INTERPRETING MODELS: A SOUTH AFRICAN PERSPECTIVE". The study will lead to the development or formulation of interpreting models for South African court interpreters, which will guide them in their daily work. The models will also help to clarify the role of court interpreters.

You are therefore, requested to provide data by participating in the study. I would like to ask you to complete a questionnaire regarding issues pertaining to court interpreting. The questionnaire will require about 5-10 minutes of your time.

The identity of the participants will not be shared with anyone outside of the research and will not be revealed when the findings are reported, that is, no names or even pictures of participants will be reported with the findings. Several steps will be taken to protect your anonymity and identity.

There are no anticipated risks or discomforts related to this research. Your participation is completely voluntary and you may withdraw from participation at any stage during the course of the research.

You will not be compensated financially or otherwise for participation. The results from this study will be presented in written articles published in accredited journals, as well as in a dissertation or thesis. The results may also be presented in conferences and seminars. At no time, however, will your name be used or any identifying information revealed. If you wish to have access to a copy of the results from this study or if you require any information about this study, or would like to speak to the researcher, please contact Mr Samuel Lebesse at 012 429 6245 / 0798057905 or [lebessj@unisa.ac.za](mailto:lebessj@unisa.ac.za).

**DECLARATION:** I have read the above information regarding this research study on the "Formulation of court interpreting models: A South African perspective" and consent to participate in this study. I am aware that my identity will be kept confidential.

_____	_____	_____
<b>Name of Participant</b>	<b>Signature</b>	<b>Date</b>
_____	_____	_____
<b>Name of Researcher</b>	<b>Signature</b>	<b>Date</b>



## **Appendix E: Consent Form to Participate in a Community Engagement Project and Focus Group Discussions**

Dear Participant

You are being invited to participate in a Community Engagement Project called “BECOME A LANGUAGE INTERPRETER”. Participation is voluntary and anonymous and if you wish to withdraw from participating, you may do so at any time. The project aims at identify and addressing problem areas in court interpreting by:

1. offering court interpreters training that will help improve their existing interpreting skills through workshops, where they are taught different international theoretical foundations upon which the practice of interpreting rests; and aligning these theories with the practice of interpreting, as it is done in South Africa; and
2. exposing court interpreters to the practice of interpreting done by their counterparts in other countries.
3. You will be required to participate in workshops and focus groups and complete a questionnaire.

The data collected during the workshops will be kept confidential and will only be used to identify possible problem areas that need to be addressed in future workshops of this nature. If you require any further information about this project please contact Mr Samuel Lebese at 012 429 2476 / 079 805 7905 or [lebessj@unisa.ac.za](mailto:lebessj@unisa.ac.za).

**DECLARATION:** I have read the above information regarding this Community Engagement Project research study and consent to participate in this study. I am aware that the proceedings may be video-recorded or tape-recorded and that my identity will be kept confidential.

_____ <b>Name of Participant</b>	_____ <b>Signature</b>	_____ <b>Date</b>
_____ <b>Name of Researcher</b>	_____ <b>Signature</b>	_____ <b>Date</b>

## Appendix F: Consent for Interpreter Courtroom Observations and Interviews

Dear Participant

You are invited to participate in a research study on the "FORMULATION OF COURT INTERPRETING MODELS: A SOUTH AFRICAN PERSPECTIVE". The study will lead to the development or formulation of interpreting models for South African court interpreters, which will guide them in their daily work. The models will also help to clarify the role of court interpreters.

You are therefore, requested to provide data by participating in the study. I would like to observe you performing your duties during a courtroom session, and I would also like to ask you a few questions afterwards about the challenges you face in the performance of your duties.

The identity of the participants will not be shared with anyone outside of the research and will not be revealed when the findings are reported, that is, no names or even pictures of participants will be reported with the findings. Several steps will be taken to protect your anonymity and identity.

There are no anticipated risks or discomforts related to this research. Your participation is completely voluntary and you may withdraw from participation at any stage during the course of the research.

You will not be compensated financially or otherwise for participation. The results from this study will be presented in written articles published in accredited journals, as well as in a dissertation or thesis. The results may also be presented in conferences and seminars. At no time, however, will your name be used or any identifying information revealed. If you wish to have access to a copy of the results from this study or if you require any information about this study, or would like to speak to the researcher, please contact Mr Samuel Lebesse at 012 429 6245 / 0798057905 or [lebessj@unisa.ac.za](mailto:lebessj@unisa.ac.za).

**DECLARATION:** I have read the above information regarding this research study on the "Formulation of court interpreting models: A South African perspective" and consent to participate in this study. I am aware that my identity will be kept confidential.

_____ <b>Name of Participant</b>	_____ <b>Signature</b>	_____ <b>Date</b>
_____ <b>Name of Researcher</b>	_____ <b>Signature</b>	_____ <b>Date</b>

## **Appendix G: Questionnaire Form**

### **SECTION A**

#### **PERSONAL PARTICULARS**

Gender: \_\_\_\_\_

Age: \_\_\_\_\_

Magistrates' office where stationed: \_\_\_\_\_

Region: \_\_\_\_\_

#### **GENERAL**

Qualifications: \_\_\_\_\_

Which is your first or working language? \_\_\_\_\_

First language combination in interpreting: \_\_\_\_\_

Which other languages do you interpret into, and why? \_\_\_\_\_

### **SECTION B**

#### **QUESTIONS**

##### **TRAINING**

1. How long have you been employed in the Department of Justice and Constitutional Development (DoJCD) as a court interpreter? \_\_\_\_\_
2. What motivated you to become a court interpreter? \_\_\_\_\_
3. Did you do a language proficiency test during or after an interview for employment? YES / NO
4. Prior to being employed by the DoJCD, were you practising as an interpreter? If so where and for how long? \_\_\_\_\_
5. Did you have any interpreting qualification before you were employed? If so, state the qualification and the institution from where it was obtained. \_\_\_\_\_
6. After you were employed by the DoJCD did you attend any in-house training, for how long, and what aspects of interpreting were you taught? \_\_\_\_\_
7. Who facilitated the training / workshop (position), how long was it, and what was his / their position in the DoJCD? \_\_\_\_\_

#### **MODELS OF INTERPRETING**

1. Are you aware of any interpreting models? YES / NO \_\_\_\_\_
2. If yes, name models of interpreting that you know. \_\_\_\_\_
3. Of these models, which one guides your interpreting duties? \_\_\_\_\_

4. Do you think it is necessary to have the South African models of interpreting, and why? \_\_\_\_\_

### **CULTURE AND SPECIALIZED LANGUAGE**

1. What is the importance of culture in interpreting? \_\_\_\_\_

2. Give example/s of incidents where you came across cultural issues and you dealt with them.

3. What problems have you encountered in respect of interpreting specialized language? \_\_\_\_\_

4. In your own words what is:

• A court interpreter. \_\_\_\_\_

• Court interpreting. \_\_\_\_\_

5. In your own words what are your duties as a court interpreter? \_\_\_\_\_

6. Who do you think should define the role of court interpreters and why? \_\_\_\_\_

### **OVERAL VIEW OF COURT INTERPRETING IN SOUTH AFRICA**

1. List challenges that are faced by court interpreters in South Africa. \_\_\_\_\_

2. Are there training opportunities for court interpreters in South Africa? YES / NO

If yes, outline these. \_\_\_\_\_

3. Recommend ways of improving the South African court interpreting profession.

**THANK YOU FOR YOUR PARTICIPATION**

## **Appendix H: Courtroom Observations Questionnaire**

### **SECTION A**

#### **PERSONAL PARTICULARS**

Gender: \_\_\_\_\_

Age: \_\_\_\_\_

Magistrates' office where stationed: \_\_\_\_\_

Region: \_\_\_\_\_

#### **GENERAL**

Qualifications: \_\_\_\_\_

Which is your first or working language? \_\_\_\_\_

First language combination in interpreting: \_\_\_\_\_

Which other languages do you interpret into, and why? \_\_\_\_\_

### **SECTION B**

#### **TRAINING**

How long have you been employed in the Department of Justice and Constitutional Development (DoJCD) as a court interpreter? \_\_\_\_\_

What motivated you to become a court interpreter? \_\_\_\_\_

Did you do a language proficiency test during or after an interview for employment?

YES / NO

Prior to being employed by the DoJCD were you practising as an interpreter? If so where and for how long?

Did you have any interpreting qualification before you were employed? If so, state the qualification and the institution from where it was obtained. \_\_\_\_\_

After you were employed by the DoJCD did you attend any in-house training, for how long, and what aspects of interpreting were you taught? \_\_\_\_\_

Who facilitated the training / workshop (position), how long was it, and what was his / their position in the DoJCD? \_\_\_\_\_

#### **MODELS OF INTERPRETING**

Are you aware of any interpreting models? YES / NO

If yes, name models of interpreting that you know. \_\_\_\_\_

Of these models, which one guides your interpreting duties?

Do you think it is necessary to have the South African models of interpreting, and why? \_\_\_\_\_

## **CULTURE AND SPECIALIZED LANGUAGE**

What is the importance of culture in interpreting? \_\_\_\_\_

Give example/s of incidents where you came across cultural issues and you dealt with them.

\_\_\_\_\_

What problems have you encountered in respect of interpreting specialized language?

\_\_\_\_\_

In your own words what is?

A court interpreter.

\_\_\_\_\_

Court interpreting.

\_\_\_\_\_

In your own words what are your duties as a court interpreter? \_\_\_\_\_

Who do you think should define the role of court interpreters and why? \_\_\_\_\_

\_\_\_\_\_

### **OVERALL VIEW OF COURT INTERPRETING IN SOUTH AFRICA**

List challenges that are faced by court interpreters in South Africa.

\_\_\_\_\_

Are there training opportunities for court interpreters in South Africa? YES / NO

If yes, outline these:

\_\_\_\_\_

Recommend ways of improving the South African court interpreting profession.

\_\_\_\_\_

**THANK YOU FOR YOUR PARTICIPATION**

## **Appendix I: Focus Group Questions**

1.     **In your own words**, define the following terms or phrases:
  - (i)     A court interpreter
  - (ii)    Interpreting
2.     Why do you think it is important for court interpreters to have the knowledge of the culture of the languages from and into which they interpret?
3.     Describe your duties as a court interpreter.
4.     What is your understanding of a model of interpreting and which models do you use?

## **Appendix J: Interviews Questionnaire**

### **SECTION A: PERSONAL PARTICULARS**

Gender: \_\_\_\_\_

Age: \_\_\_\_\_

What is your first or working language? \_\_\_\_\_

Language combination(s) in interpreting: \_\_\_\_\_

Magistrates' office: \_\_\_\_\_

Region: \_\_\_\_\_

### **SECTION B**

#### **INTERVIEW QUESTIONNAIRE**

1. How long have you been employed in the Department of Justice and Constitutional Development as a court interpreter?
2. Why were you interested in becoming a court interpreter?
3. Were you interviewed or did you do language proficiency test when you were employed?
4. What is your highest academic qualification?
5. Prior to being employed by the DoJCD were you exposed to any kind of interpreting situation? If so, where and for how long?
6. After being employed by the DoJCD, did you attend any court interpreting training or workshop and for how long?
7. Who facilitated the training/workshop and where was it conducted?
8. How do you define the following terms or phrases:
  - i. A court interpreter.
  - ii. Court interpreting.
9. What is the role of the court interpreter?
10. Which piece of legislation deals with the definitions and roles of court interpreters?
11. During the training/workshop, were you taught about models of interpreting? If so, define a model of interpreting.
12. Who do you think should define the role of court interpreters and why?

**THANK YOU FOR YOUR PARTICIPATION**



## **Appendix K:** Transcripts of Focus Group 1 Discussions

**Facilitator:** *Reading the contents of the consent letter. After reading the consent letter, the facilitator ask participants whether they have any questions, and if not, that they must please to sign the consent letters.*

**One participant:** *What is today's date?*

**Another participant:** *24<sup>th</sup>.*

**Facilitator:** *If you have completed the forms, may you please pass them over to me. The facilitator collects focus groups consent letters from the participants. Thank you very much. Now we come to the nitty gritty of why we are here. We need your honest responses so that we are able to help you in formulating the models of interpreting. Question 1. Unfortunately each one of you need to answer this question. There are four questions; eh ... (speech delayed), that each of you is going to answer. I am not going to restrict you in your answering but let us be considerate. We want to knock off early, is it not so?*

**Participants:** *Yes.*

**Facilitator:** *By half past three, we should be out of here. Is it not so?*

**Participants:** *Yes.*

**Facilitator:** *Question 1. We start here, or where should I start.*

**Participant:** *It does not matter. It is up to you. You must direct us.*

**Facilitator:** *I will start at the back. Question 1: What is your understanding of models of interpreting, and which models do you know? Do you know any models, and which models are you using?*

**Participant 1:** *Ok, it is to differentiate two ... (did not complete the sentence), between the parts that you fall under, whether it is consecutive or simultaneous mode.*

**Facilitator:** *So which models do you use?*

**Participant 1:** *I know the consecutive one and simultaneous.*

**Facilitator:** What is happening there?

**Participant 1:** Uh ... (speech delayed), the consecutive one eh ... (speech delayed), the consecutive one, is the one where the interpreter is uttering the words from the magistrate to the prosecutor, and from the prosecutor to the accused. Thereafter, he or she takes it back from and the ... (did not finish this) and the ... (laughing) and the gallery. Then takes it back from the accused to the prosecutor or to the magistrate. Sometimes, from the magistrate to accused, and from the accused to the magistrate.

**Facilitator:** Now you are answering.

**Participant 1:** Laughing.

**Facilitator:** Lady, what is your understanding of a model of interpreting?

**Participant 2:** My understanding of a model on interpreting is that an interpreter is the one who transfers the message inside the court for different parties. From the prosecutor to the magistrate, from the magistrate to the interpreter, and from the interpreter to the accused.

**Facilitator:** And then which models of interpreting do you use?

**Participant 2:** Uh ... (speech delayed), simultaneous and consecutive models.

**Facilitator:** What is happening in the two?

**Participant 2:** Uh ... (speech delayed), simultaneous is when a person has to m... (speech delayed), to ... (did not finish this), to... (did not complete the sentence), he transfers the message from one person to another again and then in different languages. In consecutive, it is when the interpreter is taking the message from ... (looking at papers in front of her) the prosecutor or to the magistrate, or from the magistrate to the accused. Also from the accused to the magistrate or to the prosecutor.

**Participant 3:** The question, sorry.

**Facilitator:** What is your understanding of a model of interpreting?

**Participant 3:** A model of interpreting. I understand it to be a form whereby an interpreter will use, whether it is consecutive or simultaneous.

**Facilitator:** So you have answered the second part already. Lady.

**Participant 4:** A model of interpreting is the way in which eh ... (speech delayed), I do not know. The act of interpreting is done, you can do it, (looking at papers in front of her) through the consecutive, which is where uh ... (speech delayed), which is the manner or the way we use it in court. It is where the speaker speaks and then uh ... (speech delayed), an interpreter is given a chance to interpret the utterances of the speaker. And then another speaker ... (speech delayed), usually the speakers or the role players will be the magistrate, who will say what he has to say uh ... (speech delayed), usually to the uh ... (speech delayed), accused. When he does so, then uh ... (speech delayed), he gives a chance to the interpreter to explain to the accused. The accused then response eh ... (speech delayed), responds, and the interpreter takes the message back. That is consecutive, because he or she gets a chance. Another model that I know of now, is the uh ... (speech delayed), simultaneous, which happens in the uh ... (speech delayed), sometimes conferences and uh ... (speech delayed), commissions, where uh ... (speech delayed), the speaker is sometimes in a booth and he speaks simultaneously. That is, as the speaker speaks, the interpreter is also speaking behind the speaker but trying to be eh ... (speech delayed), to catch up, and not to be left behind. There is another model that I only learnt about yesterday, which was the summary model of interpreting. Which is where you just try to get the gist of the message. You make sure that the aim is to put across to the other party, not every word verbatim.

**Participant 5:** What do I understand about the models? In my understanding, it is the type of interpreting uh ... (speech delayed), as you say there is simultaneous, consecutive, and summary. We have learned most of them here. Especially me, to be honest. I did not know 'u kuthe' (that) there are types that you can do in conference interpreting uh ... (speech delayed), besides knowing the one that relates to a court interpreter. So you said one is summary, because we read it ... (did not finish this) we do it in court, but we did not have a grasp it. The way the magistrate is giving a judgement, he would talk for a long time.

Wena (you) just summarize, you do not interpret each word, but you just summarize and come up with a short explanation, as long as he understood, and get the message.

**Participant 6:** *By model of interpreting, I can say it is a methodology used by court interpreters to interpret in the courtroom. We have two models of interpreting, namely simultaneous, which is the one we use in the conference.*

*You interpret at the same time. The other one is the consecutive one, which is the one we are doing in the courts. You waiting for ... (speech delayed), like the prosecutor to finish talking and then you can translate it in the target language.*

**Participant 7:** *I learn that we speak about models of interpreting. I learned that many companies need interpreters. However, mostly in our ... (inaudible), we know that interpreters are the ones who interpret in court. Which is true, as this is our day-to-day business. Consecutive method means that at court, you interact with the magistrate, prosecutor, eh ... (speech delayed), and the accused. All parties who are going to testify in the case. You act as a mediator there. You have to handle pressure there, and handle the situation as well. Know your story, you must focus very well, do not add anything to what has been spoken. You must deliver the message in the way that the parties can understand it.*

**Participant 8:** *Model of interpreting in court, is consecutive interpreting. In my understanding, we use consecutive interpreting during the trial, as shown in the diagram triangle because we are in the middle. So each listener, has to ... (did not finish this), or participants have to listen to us during the consecutive interpreting. In other words, during the trial or during the judgement. As an interpreter, you can still use simultaneous or sight interpreting, when interpreting for an attorney. You can also use it when you are interpreting for the accused person when reading the J88 medical report or you can still use sight interpreting. When interpreting for a minor for example, I can do sight interpreting while the magistrate is busy with the judgement.*

**Facilitator:** Ok. Question 2. Why do you think is important for the court interpreter to have the knowledge of cultural aspect?

**Participant 1:** *It is important because it helps you to convey the message correct. For example, when people use idioms, you cannot translate these literally, because idioms have specific meanings. I cannot really say examples in my language, but ...*

**Facilitator:** *You can say it.*

**Participant 1:** *In Shona there is a phrase that says 'old men lie'. A literal meaning of the phrase is that 'A man who does not lie will never get married'.*

*I cannot interpret this phrase literally to mean that a man who does not lie will never get married, although this is what it means. It is important that when I know the culture, and the cultural values, that I should know how to alter it correctly.*

**Participant 2:** *It is important because you come across things like idiomatic expressions. As she says, for you to realize this, you must have an in-depth knowledge of your source language and your target language. Many people behave differently due to their different cultures. For example, a question of 'eye contact'. In the Western culture, if you avoid eye contact with someone, you are considered dishonest, or not being credible. However, in the African culture, if you are elder than me, and I avoid eye contact with you, that is an indication of respectful. Do you understand? I may find that the words are embarrassing, but may not be embarrassing to me. Therefore, it is very important for you to be able to note those kind of things, in the culture that you are working with or the language that has such culture.*

**Respondent 3:** *It is true that, as court interpreters, we have to know those cultures as was demonstrated by the examples. In another example, a rape matter, a child would not refer to a sexual organ by its name, as they do not want to be perceived as being disrespectful. Therefore, it is important that each court interpreter must know the particular culture of the person whom they interpreting for. I belong to the Sepedi ethnic group, and I can Sepedi. If an IsiZulu speaking person uses the idioms, I will not be able to assist that person. However, if a person is Sepedi speaking, I am able to interpret for them because I learned it, and I can write it. Like this morning, I told (pointing at the respondent sitting next to her), just after lunch, I said 'ke kwa ke kwa bose' (I am happy and I am enjoying myself). It is as simple as that.*

However, an isiZulu speaking person, will not understand what 'ke kwa ke kwa bose' means. As a Sepedi speaking, I will understand that it means 'I am happy and I am enjoying myself'. It is therefore, important that you know that culture that you specialize in when you interpret. If you do not know it, you do not have to interpret.

**Facilitator:** Wow! Kore 'ke kwa ke kwa bose' (I am happy and I am enjoying myself).

**Participant 4:** According to this cultural issue, I think it is more important to know more a lot about the culture situations, because sometimes you find that you deal with a person who is more culturally inclined than you are.

You will find that you do not know much about culture and you are there as an interpreter. We should simply learn more about cultural issues, so that when we interpret cultural aspect for these people, about we must be more experienced and we must know a lot about it.

**Participant 5:** It is important because sometimes you interpret for elderly people in court. Some people are very much rooted in their cultural. You will come across people who use idioms in their speech, as they cannot call a spade, a spade. Instead, they will use idiomatic expressions. This happens especially in cases of sexual offences. Some people do not want to refer to a sexual organ by its name, but instead use the word 'private part'. If you do not respect the way they talk, you will draw conclusions, and interpret something that they did not say. It is therefore, very important to know their cultural aspects, and the way they talk. This helps to avoid situations where you sometimes find that you do not have to put direct words, as my sister there (pointing at one of the fellow respondents) was saying 'u shaye ucanyi' (he ran away) and you interpret it as 'he beat the grass'. To interpret it this way, will not make sense at all. If you know the culture, you will know that when he is saying that, he is trying to say this.

**Facilitator:** (laughing) 'be ngifuna' u ku shaya utšanye (I wanted to run away).

**Participant 5:** Laughing, nga shaya utšanye (I ran away).

**One of participants:** And then one would interpret it literally as 'he hit the grass', (laughing).

**Participant 6:** *Cultural aspects are very important, especially when interpreting in a case where there are adults, especially from rural areas. In Setswana, if you use 'you' but referring to an adult person, you must use 'plural'. It then becomes 'ba' (they) in the plural, but you are referring to one person. However, it is more dangerous to interpret for the magistrate who is Setswana conversant. He will ask who are 'they', and you have to explain that 'ba' (they) is referring to this adult person.*

**Facilitator:** *And you must give the reasons.*

**Participant 6:** *And give reason because we do not have 'he', 'she' words in our language.*

**Participant 7:** *I can say these cultural issues assist us a lot, but I realise that each city has its own way of stating things in their language. You will find this especially in Gauteng, where the accused will play with your mind. This happens in cases where hawkers who are arrested for selling unlawful products. They can say to you, I have my staff, and 'cellulars', meaning 'hot stuff' and 'brandies'. So that police officer cannot understand.*

**Participant 8:** *Cultural aspects are more important for us as interpreters. When you interpret for the accused or a witness, it is important that you first establish a rapport with that person. You do this in order to understand their cultural background, so that you will choose a manner how you are going to conduct your interpreting for that person.*

**Facilitator:** *Ok. In your own words, define the following terms or phrases: What is a court interpreter? We start there. In your own words, what do you understand by a court interpreter?*

**Participant 1:** *A court interpreter is a person who facilitates communication in the courtroom eh ... (speech delayed), between the accused person, the lawyer, the magistrate, the prosecutor, and even the client. He is the one who facilitates the communication between all those people.*

**Facilitator:** *Do you really facilitate?*

**Participant 2:** Eh ... (speech delayed), I can say a court interpreter is a messenger between a magistrate, advocates and the accused.

**Facilitator:** When you say a messenger ... (speech delayed), ok.

**Respondent 3:** I can say a court interpreter is a person who utters what the first person has said, to those who are listening in the courtroom. Where the speaker is asked a question, the court interpreter has to utter that message or the communication to that particular person.

**Participant 4:** Uh... (speech delayed) I can say is eh... (speech delayed), a court interpreter is a person who utters what was said, by the first person to the second person in a different language.

**Participant 5:** I can say a prosecutor is ...

**Facilitator:** Hey, hey interpreter.

**Participant 5:** Interpreter. Askies (pardon me) and laughing. I can simply say an interpreter is someone who takes the word from the inter ... (did not finish this), from the magistrate to the accuser so that they can both understand each other, on what they are saying.

**Facilitator:** Is it a one-way stream?

**Participant 5:** Mm.

**Facilitator:** Is it one-way stream?

**Participant 5:** It is not one-way stream. From the interpreter to the ... (did not finish this). From the magistrate to the interpreter, from interpreter to the accused.

**Facilitator:** And then.

**Participant 5:** Oh, and takes it back. The interpreter takes the message back. (Other participants laughing).

**Facilitator:** It is important.

**Participants:** Yes. Yes.



**Participant 6:** *A court interpreter, according to me, is a person who listen in the court when an utterance is made. Whether an utterance come from the prosecutor, magistrate, attorney, witnesses, or an accused. An interpreter takes those utterances and transfers that into to the target source, where a specific language is needed in order to convey those messages. (Participant is putting emphasis on words as she speaks).*

**Participant 7:** *A court interpreter is a language practitioner, who operates within the ambit of the court. He or she, assists in things like consultations where there are two or more languages speakers who, uh ... (speech delayed), who need assistance. An interpreter assists also in instances where two or more clients need assistance in understanding each other's language, because they speak different languages.*

*The court interpreter facilitates or assists in that he or she will take the language from the source, convert it to the target language for better understanding, and then back from the target, who will now be the source, to the new target who was the source before. (Participant rolling a pen between her fingers as she speaks)*

**Participant 8:** *A court interpreter is a channel of communication. Someone who helps in communication in the courtroom. There are magistrates, prosecutors, and the accused person. So mina (isiZulu word for 'me') as a court interpreter, I am a channel for communication from the magistrate to the accused, and from the prosecutor to the accused. Therefore, I am the channel of the communication in the courtroom. (Participant demonstrates with hands while speaking).*

**Facilitator:** What does interpreting mean? Interpreting. We start there. What does interpreting mean?

**Participant 1:** *(paging and looking in papers in front of her) Interpreting is putting the utterance eh ... (speech delayed), or talking back to what you heard, or putting the words or communicating, eh... (speech delayed), in the courtroom, with the magistrate, accused, and prosecutor. However, you put it as it is, where you... (speech delayed), you do not add anything, and you do not subtract.*

**Participant 2:** *Interpreting, I would say, is a kind of a process but because it happens so fast, we take it as one thing.*

*It is a process of listening, and then eh... (speech delayed), converting, or memorizing and then taking it to another language. Which means that you listen from the source, and then you get it right because the process ... (did not finish this). The reason why I say it is a process is that the 'getting it right' is very important because the two languages, their tenses, and the way they say things, will not be the same. Therefore, you listen, process, and then you produce. So it is that process where the court official, who is the court interpreter, listens to the source language, converts it, and interpret it or produces it into the other language, so as to facilitate communication in that way.*

**Participant 3:** *Interpreting indeed is a process. Firstly, you must listen and after listening, you must capture. After capturing what you listened to, you memorise it. After memorising it, you release it. When you release it, you are going to release it in the language needed by the second person. At the time you let it out, it must be the same. In releasing it, you do it in the same way that you memorised or captured it.*

**Participant 4:** *Interpreting is taking the word from the other person, record it, and take it back to the other person, the way it was. You do not add or subtract. You convey it the way it is.*

**Participant 5:** *Uh ... (speech delayed), Interpreting is uh ... (speech delayed), is facilitating communication in a ... (speech delayed), cross-linguistic communication to a cultural communication so that eh ... (speech delayed), it moves around uh ... (speech delayed), for two different people to understand what was said.*

**Participant 6:** *Interpreting is an utterance from the source language to the target language without adding or subtracting the information.*

**Participant 7:** *In my opinion, I can say, it is taking the spoken words to a certain language so that the two parties can understand each other.*

**Participant 8:** *For me, it is to release the message, orally from one language to another language, which means from the source language to the target language.*

**Facilitator:** What are your duties as a court interpreter? You have duties. What are yours as a court interpreter?

**Participants:** *Looking at one another, one pointing the other direction and laughing.*

**Facilitator:** *Aah! You do not know.*

**Participant 1:** *My duty is just to interpret the message from the source language to the target language. My duty is also to facilitate the communication, as I said before, between the parties in the courtroom.*

**Participant 2:** *I can definitely say that, I am used as a channel of communication from a source word to the target word.*

**Participant 3:** *It is to interpret from the source language into the target language.*

**Participant 4:** *My duty as an interpreter is to listen, then uh ... (speech delayed), analyze, or take notes, memorize, and produce to the relevant person.*

**Participant 5:** *Mm ... My work as an interpreter is to take the word from one person, and transfer it to another person, in an understandable language.*

**Participant 6:** *My duties (laughing). My duties (laughing) are to take an utterance in a courtroom, and convey it into the target source.*

**Respondent 7:** *My duty as an interpreter is to keep the role players in the courtroom at the same understanding of proceedings in terms of their language. That is, assisting or facilitating the role players in understanding the language of the different parties.*

**Participant 8:** *My duty is to be eh ... (speech delayed), a language practitioner, to make sure that I will interpret, or I will put it in the language that the other one, or the accused and the magistrate, will understand.*

## **Appendix L:** Transcripts of Focus Group 2 Discussions

**Facilitator:** *I said a court is a theatre, now we are in a theatre. Good afternoon ladies and gentlemen. We have come to our last day on which are unfortunately or fortunately, going to record you as you answer the questions. Before we start, we have to look at this (indicating a paper in her hand). Everyone was given a letter of consent for focus group. As a researcher, I have to read it out to you, irrespective of whether you know how to read. I am going to read it out to you. (Facilitator reads out the focus group consent letter whilst every participants is also looking at their copies. The researcher also looks at his copy whilst the facilitator is reading). After reading out the focus group letter of consent, the facilitator asks the participants to sign the letters of consent. Facilitator added and said, "Unless you want to recuse yourself". Facilitator asked if there were no questions. All participants kept silent. Facilitator then said that we are going to start. I am going to ask questions, the same questions to each one of you. We will start with question 1.*

**Facilitator:** *Eh ... Question1. Sir, in your own words, define the following terms or phrases: What is a court interpreter?*

**Participant 1:** *A court interpreter is a person who breaks the barriers of communication between the two language speakers in a court sitting.*

**Facilitator:** *Ok.*

**Participant 2:** *Court interpreter and court interpreting.*

**Facilitator:** *Court interpreter. I want a definition of a court interpreter first.*

**Participant 2:** *Court interpreter is a person who is a sworn in interpreter, who interpret in court from source language to the target language, to remove a language barrier between the parties in court. This is done to enable all to understand the proceedings and uh ... (speech delayed), testimony which is given in court.*

**Participant 3:** *A court interpreter is a person appointed by the Department of Justice as a language facilitator or a language practitioner, to facilitate communication in a court setting, to remove a language barrier. This person has to interpret from a source language to a target language.*

*Furthermore, in terms of section ... (speech delayed), section 6 ...(speech delayed), section 6(2) of the Magistrate Court Act 32 of 1944 (as amended), this person takes an oath in terms of section 68(1) of Act 44 of 1944. According to this oath, an interpreter swear to facilitate communication in order to remove the language barrier.*

**Participant 4:** *I do not know how I am going to be ... (speech delayed),*

**Facilitator:** *(Pointing at participant 3). Do not scare people by quoting sections. She know the sections. You might not know the sections.*

**Participant 4:** *Laughing. She scares me.*

**Other participants:** *Also laughing.*

**Facilitator:** *Do not be scared. What is a court interpreter?*

**Participant 4:** *Demonstrating with hands. A court interpreter is a person who serves as a channel between non-English speaker and a person who can speak English. He or she will make sure that non-English speaking person can hear everything that is said in court, so that an English speaking person can ... (did not complete the sentence) yes.*

**Participant 5:** *A court interpreter is someone appointed by the court, to help in the court proceedings between people who do not understand each other because of the language barrier. A court interpreter will listen to this person and tell the other person exactly what the other person was saying so that they can understand each other.*

**Participant 6:** *A court interpreter is someone who makes sure that the person who does not understand, let us say English, can be able to express himself in his mother tongue. The interpreter puts his utterance or words into English, so that the magistrate can understand, what he is actually saying.*

**Participant 7:** *A court interpreter is a person who facilitates the communication between the parties involved, so that the court proceedings can take place in the manner that is required by the legislation of South Africa.*

**Participant 8:** *Um! My definition of court interpreter actually derives from what I have learnt yesterday from this workshop.*

*The language of record is English and Afrikaans. Since the proceedings flow in English because the magistrate or the prosecutor has to record something, now there must be that person who will be the bridge between these people. The magistrate, the prosecutor and the speaker. That person is an interpreter. Now, his duty is to convey a message to people who are participating in the proceedings in court. These are the prosecutor and the magistrate. Then in turn, the gallery as a whole will benefit from an interpreter. He is in a way a mediator, a person who helps people to understand everything that is happening in a courtroom.*

**Participant 9:** *A court interpreter is a middle person who ... (speech delayed), it is 'a middleman' eish ... (participant looking up), in terms of a language barrier eh ... (speech delayed), so that the other person can express, they can express their thought or ideas through languages.*

**Facilitator:** *Lady.*

**Participant 10:** *Um ... (speech delayed), according to what I learnt in this three days, a court interpreter is a mouthpiece (laughing) for the court. The one who assists everybody who experiences language barrier. To assist in what the magistrate is saying, by conveying it to the accused in the language that he or she is comfortable with, and vice versa. Again, to convey what the prosecutor or the witness says. You are a mouthpiece. (other participants laughing).*

**Participant 11:** *A court interpreter is a human being appointed by the court in terms of the relevant Act, in order to convey the message between the speakers... (speech delayed), from the speaker's language to the target language, and vice versa.*

**Respondent 12:** *A court interpreter is a person who facilitates communication between different parties who do not speak the same language in a court.*

**Respondent 13:** *A court interpreter is a person who is used as an instrument to facilitate communication during the court proceedings, so that people can have a fair trial.*

*In addition, he needs to have certain skills that makes him far different from a conduit, as the position normally used to be, eh ... (speech delayed), as it was explained. He is more than that. He is contributing in many things that take place during the court proceedings.*

**Respondent 14:** *A court interpreter is someone appointed by the court to ensure that communication is fair within the courtroom, and to make sure that no information or details are lost during the proceedings. Therefore, the court interpreter assists in either spoken language or sign language in ensuring that all parties involved, eh ... (speech delayed), the legal parties, the accused, and victims, can express themselves in a courtroom setting.*

**Facilitator:** *Now come the term 'interpreting'. What do you understand by interpreting? What is interpreting?*

**Participant 1:** *(Folding his arms.) Interpreting is sending a message from... (speech delayed), sending a message between two different language speakers, thus facilitating the understanding of the whole proceedings within that setting.*

**Participant 2:** *Interpreting is when an utterance of a person is taken from his or her language which a source language, to the target language of which the other parties in which ever setting it is, a court or conference, can understand. I think that interpreting can also be when you are interpreting a document used during the proceedings, to a particular person. You do this so that he or she can also understand the information that is contained on the document, and be able to respond to questions asked regarding the document.*

**Participant 3:** *To me, interpreting is ... (speech delayed), is when a speaker ... (speech delayed), uh ... (speech delayed), make utterances. It will depend on which kind of forum it will be or which setting it will be. That (start demonstrating with hands) particular setting will distinguish which type of interpreting need to be used. In ... (speech delayed), as with interpreting itself, it is when a speaker makes utterances and the interpreter, who is the language facilitator, has to comprehend eh ... (speech delayed), whatever the speaker says. Then convert it into, as original from the source language, into the target language of the receiver so that there should not be communication barrier amongst the two parties or among the parties in the setting.*

*As for interpreting, certain aspects need to be considered, namely vocab should ... (speech delayed), eh ... (speech delayed) vocabulary, language skills, and audibility should be considered as well. These are some of the aspects to be considered in a culturally diversity situation.*

**Participant 4:** *Um ... (speech delayed), Interpreting is um ... (speech delayed), is just to convey spoken utterances from one language to another. It may be from the source language to the target language or from the target language to the source language. Before you can interpret, one has to look at uh ... (speech delayed), an interpreter has to listen actively firstly, comprehend the message and construct it in a different way so that you can be able to interpret it eh ... (speech delayed), correctly.*

**Facilitator:** *Interpreting.*

**Participant 5:** *I will say it is eh ... (speech delayed), a profession, eh ... (speech delayed), an interpreter can be qualified to be do interpreting. It is similar to saying the interpreter gives, and then he or she will follow what is needed in interpreting.*

**Participant 6:** *(Participant demonstrating with a hand while speaking). I will say interpreting is converting utterances from one language to another.*

**Facilitator:** *Interpreting.*

**Participant 7:** *I can say is a person who translates the words that someone is speaking into the third language. It can be done for example, orally between the two parties in different languages.*

**Participant 8:** *(Participant demonstrating with hands while speaking.) My definition derives from the fact that you do not have an interpretation if an interpreter can be regarded as a machine or interpretation machine. Why? It is because an interpreter is somebody who has to first, listen, memorize, think, and convey the message from the source to a target language. Before you even utter a word, you need first to understand the culture of the person whom perhaps you will be conveying the message to, the background, the experience, and the age. Hence, you have to be selective in your choice of words for the person who you will speak to, in order for him or her to understand.*



*I regard it as a skill that can be acquired by people with certain background. Not necessarily a background, but that exposure and experience of both the source and the target language that will enable them to convey the message between the parties to understand each other.*

**Participant 9:** *Interpreting is where the person starts to speak and the interpreter will interpret (participant laughing).*

**Facilitator:** *Lady.*

**Participant 10:** *According to me, it is just conveying the message from the source language to the target language.*

**Participant 11:** *Interpreting is conveying a message from the source language to a target language.*

**Participant 12:** *Interpreting is a process of conveying words from the source language to the target language by the interpreter.*

**Participant 13:** *Interpreting is to facilitate communication. In other words, you convey what is said, from the source language to the target language. It is a skill involving listening, understanding, memorizing, processing, and conveying into the target language.*

**Participant 14:** *Interpreting is the duty performed by the interpreter who helps facilitate communication where there is a language barrier. Therefore, an interpreter will have to be someone who is knowledgeable about language, culture and circumstances or context of the situation, when interpreting in any setting. It does not have to be in the court setting only, but someone that can facilitates communication between two or more different parties does it.*

**Facilitator:** *Ok. Question 2. Why do you think it is important for the court interpreters to have the knowledge of the culture of the language from and into which they interpret? Why do you think is so important to have such a knowledge?*

**Participant 1:** *It is very important for court interpreters to be acquainted with um ... (speech delayed) different cultures of the listeners, so that they can be able to facilitate the interpretation process according to the cultures of different people.*

*As we know that, especially in Africa, we have different cultures that actually governs the way we live or the way we speak, within a certain community.*

**Participant 2:** *You need to have the knowledge of the culture of the languages you are interpreting in because eh ... (speech delayed) different cultures have different expressions they use or um ... (speech delayed), idiom ... (speech delayed), idioms that they use to describe something. But, if you are not familiar with that or you do not know the culture, you might interpret incorrectly, and the message can be distorted, ja (yes).*

**Participant 3:** *It is very important for an interpreter to be knowledgeable about culture. Uh ... (speech delayed), the reason for that is due to the fact in our country we have so many cultures, or different cultural diversities. As an interpreter, you deal with different kinds of people and you ... (speech delayed), you ... (speech delayed), that on its own, shapes the language aspect. It gives you a more understanding about the person that you dealing with, or the speaker. You ... (speech delayed), by ... (speech delayed), by considering the cultural aspect, you also have to consider the age of the person, the dialect of the speaker of the language that you dealing with, as well as that of the receiver. That is my understanding about that.*

**Participant 4:** *I think it is very important, in order to avoid misinterpreting or miscommunications. Because you find 'ukuthi' (that), you find that eh ... (speech delayed) the interpreter is interpreting what the accused or the witness is saying. In order to avoid misinterpreting, it is very important that interpreter must have the knowledge of the culture.*

**Participant 5:** *Um ... (speech delayed) if you understand the culture, you will not confusing anyone in court because you will be clear in what you say. You will also not stumble someone. If you are interpreting for an elderly person, and the magistrate says something in a singular form, I know that according to our culture I have to use the plural form as a respect. When you interpret in that way, you do not stumble the person that you are interpreting for as well.*

**Participant 6:** *It is important to know the culture so that you can use eh ... (speech delayed), proper language or a respectful language in court.*

*You must also be careful and sensitive to what you say, so that you do not stumble others in court. It is very important to know that.*

**Participant 7:** *I can say it is important because it helps one, the interpreter, not to distort the message between the parties involved. For example, the person from the rural area and the person from the urban area, use the same words in a different context or meaning. This depends on the context of the matter discussed. So knowing the different cultures and so on, will help the interpreter to avoid the distortion of the whole matter discussed in the courtroom.*

**Participant 8:** *My definition of the culture comes from the region, and region comes with idioms, idioms comes with certain expressions. Hence, as an interpreter, you need to know these things. Because at times, if you do not really understand the culture, you fail to grasp the meaning of certain expressions, which at the end, will make you to convey eh ... (speech delayed), eh ... (speech delayed), a negative thought or wrong thought into the target language. Therefore, you need to be very familiar with such things. Again, knowing the culture will help you to be able to use a language that eh ... (speech delayed), as some of my colleagues have mentioned, will not offend the person whom you are helping. Culture, therefore, really plays a very vital role in interpretation.*

**Participant 9:** *You have to be familiar with their culture and understand what they are talking about, their lingo, so that you put it in a way that the speaker, eh ... (speech delayed), the listener will not get emotional.*

**Participant 10:** *When you know someone's culture, it makes the proceedings to flow freely. It is easy for you to and actually for everyone in court to follow easily. If I am assisting or interpreting for someone from the township who uses 'tsotsi taal' (street language), and if I know or understand the language, it would be easy for me to ... (speech delayed) um ... (speech delayed), what? To interpret or rather ... (speech delayed) um ... (speech delayed). Ok, like if you know the culture, there will be less faults, unlike if you do not understand at all know, otherwise that is where you will experience real faults.*

**Participant 11:** *Ok, understanding the culture will make interpreting more accurate and more effective, so that uh ... (speech delayed), when the idioms or the proverbs of the lingo are used, you are able to adjust and adapt them immediately and convey the words more accurately and effectively into the target language.*

**Participant 12:** *It is important to know the language, the culture of the language you are interpreting because it will be easy for you to ... (speech delayed), to clarify some of the idioms and the proverbs the ... (speech delayed), the ... (speech delayed) the what? The ... (speech delayed), (participant laughing).*

**Facilitator:** *We want to know. The what?*

**Other participants:** *Laughing.*

**Participant 12:** *The accuser or the ... (speech delayed), the accuser or the accused is using in the court.*

**Participant 13:** *Many a times, culture influences the way we speak, and the way we express ourselves. To be able to bring all the parties to the same understanding of the discussion, it is important for the interpreter to know the culture so that he can be able to put everything in a respectful manner and not to stumble anyone.*

**Participant 14:** *Um ... (speech delayed), it also helps a lot with the quality of the interpreting that the interpreter will offer, because it increases the confidence once you are familiar with the culture, or know the culture of the parties. It also helps put at ease all the subjects because you are comfortable in transferring or helping facilitating the communication, as you are not disrespectful or arrogant, because you know the boundaries of cultural diversities.*

**Facilitator:** *Describe your duties as a court interpreter. What are your duties as a court interpreter?*

**Participant 1:** *As a court interpreter, in the first place, you have to be a good listener. When fulfilling your duties, you should not be biased or influence the meaning of the sentence or utterances that you will be interpreting to the next person, the accused or the witness. You should make sure that you are very competent in what you do.*

*You must respect your ... (speech delayed), you must act very professional so that eh ... (speech delayed), you retain your confidence to the people that have chosen you to interpret for them in court.*

**Participant 2:** *My duties as an interpreter is as per the oath that I took. That is that, whenever I am called upon to interpret from a specific language, into another official language or the target language, eh ... (speech delayed) I shall truthfully and correctly, interpret to the best of my knowledge. I shall interpret in pre-trial conferences, confessions, eh ... (speech delayed), trials, pleas eh ... (speech delayed), eh ... (speech delayed), consultations, and wherever I may be needed to interpret.*

**Participant 3:** *May I just ask a question. Is it to be an interpreter at court ... (did not complete this).*

**Facilitator:** Describe your duties as a court interpreter.

**Participant 3:** *Being a court interpreter, primarily, I am a language facilitator in court between parties where there is a language barrier. And as being, eh ... (speech delayed), being a language facilitator in a court setting, I have to have listening skills, good memory, and a good understanding of cultural diversities. That also give me more understanding about the current language that I am dealing with. This may be a language of the speaker or the receiver, since I have to interpret from source language to the target language. In a court setting, I have ... (did not complete the sentence). The interpreting mode that I use in a courtroom setting is consecutive interpreting. In this mode, one speaker need to speak first, and thereafter, it will be me now taking over as the court interpreter. I will be conveying that which the speaker is saying to the so ... (speech delayed), to the so... (speech delayed,) to the ... (speech delayed). By the speaker from the source language and to me as the court interpreter, thereafter, to target language, that is now the receiver, to breakdown the language barrier.*

**Participant 4:** *My duty as a court is to interpret from one language into another, without adding or omitting anything. That is, to interpret faithfully so. However, if you do not listen carefully there will be nothing to interpret.*

*So my duty is to listen to what the speaker is saying, to comprehend it uh ... (speech delayed), to construct it and then once you have constructed it, and the uh ... (speech delayed), in the target language or the source language, you can successfully interpret to that person or to the magistrate.*

**Participant 5:** *I am not a court interpreter but what I learnt from the workshop is that an interpreter should make sure that he helps communication to run smoothly in the court. She or he must put the thoughts or whatever the message clearly and accurately without being biased. You should always be neutral.*

**Participant 6:** *To make sure that I am honest and faithful in discharging my duties and to have good memory and to continue cultivating the public speaking qualities so that I can be able to assist those who are ... (respondent did not finish this part).*

**Participant 7:** *My duty is to facilitate conversation between the parties involved, mainly the magistrate and the accused, as well as the witnesses, so that in the end the verdict or judgement is fair and accurate.*

**Participant 8:** *My duty is to become a bridge between the prosecutor, magistrate, and the speaker. While doing that, I need to remain neutral. I need to retain my integrity. I need to be accurate, and I need not become biased or emotional about what is going on. I also do not act as a law advisor. I do not also act as an attorney, and I do not give any advice what so ever, be it inside or outside somewhere. I remain on my position as an interpreter.*

**Participant 9:** *My duties. I must have skills, be honest and then interpret what the accused is saying, without changing the words. I must have good memory uh ... (speech delayed), and then not to side with two parties. I must not be personal or emotional in the matter where I am translating. Uh ... (speech delayed), I must accept my mistakes and not to be eh ... (speech delayed), start a friendship with the accused.*

**Participant 10:** *My role as a court interpreter is to be a good listener, a facilitator. Eh ... (speech delayed), I mean to facilitate communication between uh ... (speech delayed), two uh ... (speech delayed), two people who speak different languages.*

*For instance, from the language used for the record, which is English, and used by the magistrate, the prosecutor, or attorneys, into the target language that is maybe used by the accused, witnesses and vice versa.*

**Participant 11:** *Uh ... (speech delayed), to convey accurately the words uttered. While doing that, you abide by the norms of the practice itself, where you have to be neutral. You do not have to give your own input or opinion in the matter.*

**Participant 12:** *Mm ... (speech delayed), my duty is to break the language barrier without adding or reducing any information.*

**Participant 13:** *My duty is to facilitate communication accurately and effectively. To do that, I have to know the source language and the target language, and to do it in the manner that will contribute to the court proceedings.*

**Participant 14:** *I am not a court interpreter but I learned that the duties of a court interpreter is to ensure that eh! ... (speech delayed), he or she uh ... (speech delayed), provides eh ... (speech delayed), communication between two parties in a way that is honest and respectful, whilst being faithful to his or her assignment by listening carefully.*

*Researching or learning more about eh ... (speech delayed), the subject or court interpreting, to make sure that he performs his duties by transferring information from the source language to the target language effectively.*

**Facilitator:** *This is the last question. Thereafter, it will be me talking. What is your understanding of models of interpreting, that is sub-question one. Number two, which models do you use. What is your understanding of a model of interpreting? Part 1. Part 2: And which models do you use?*

**Participant 1:** *I will also ...*

**Facilitator:** *(interrupts). You can answer both of them. What?*

**Participant 1:** *I will also ... (speech delayed), I am still new in the interpreting field. To tell the truth, I have not studied models of interpreting, and I do not know any.*

**Facilitator:** *So which one are you using?*

**Participant 1:** Uh ... (speech delayed), the one that I am using is eh ... (speech delayed) eh ... (speech delayed), a communication model, an oral one.

**Participant 2:** Um, the ... (speech delayed), my understanding of the model is that it is a type of a guideline uh ... (speech delayed), which you can follow ... uh ... (speech delayed), as an interpreter. The model that I know of is Giles' Effort Model. Uh ... (speech delayed), and currently in our country, the models that we are following, which are actually not models, are PAS, The Magistrates' Court Act, The Oath of Office of the Magistrate Act, and Section 35(3)(k) of the Constitution, because our role has not been clearly defined yet.

**Participant 3:** According to my understanding, uh ... (speech delayed), the models of interpreting are the ones that enable you to differentiate the kind of setting that we are in, or that you will be working in at the point in time. Because it is different kinds of interpreting and according to my understanding, as I have learned recently, there are actually three to four kinds of models of interpreting. The fourth one is an international one. It is ... (speech delayed), it is ... (speech delayed), the first one will be consecutive interpreting, then secondly, it will be simultaneous interpreting, the third will be sight interpreting, and the fourth one that I have come to learn of is 'shushutating'.

I hear it is being used in China, where one would ... (speech delayed), when the speaker is speaking, and the language facilitator would 'shushutate' as a form of 'whispering' to the receiver. However, I have not heard that it is being in South Africa or approved of. The one that I heard it is approved of so far in South Africa is consecutive interpreting, which is used mostly in court settings. There is simultaneous uh ... (speech delayed and I heard from my colleagues, the ones who do medical eh ... (speech delayed), who have exposure in medical interpreting. There is also a sight interpreting, which is used when interpreting a text. That is my understanding.

**Participant 4:** Um ... (speech delayed), um ... (speech delayed), the models of interpreting are models that have been formed or constructed to help interpreters to improve their interpreting skills. The ones that I heard of or that I know of, is Giles' Model.



*This model states that the interpreter needs to focus. He or she uses mental uh ... (speech delayed), capacity and it also states the do's and the don'ts. For instance, if you are an interpreter you must avoid being nervous because once you become nervous, you misinterpret things. As a result, you may appear as not knowing to speak the language, and so forth. The other one that I have heard of is the cognitive model and that uh ... (speech delayed), it focuses on ... (speech delayed), it is more subjective because the interpreter is too emotional there. These, are the ones that I know.*

**Participant 5:** *I would say models are guidelines that guide the interpreter to follow certain rules and give them direction on how to do their work properly. The one that I know of and that I have best interest of is Giles' Model.*

**Participant 6:** *Uh... (speech delayed), I also heard about Giles' Model. The French man. It was the first time for me to hear about that. He focuses on the fact that you have to be ... (speech delayed), you have to act professional and get rest because interpreting needs a lot of energy before you do that.*

**Participant 7:** *I think is a set of ideas that describes the past, present, and future. As many researchers and scholars describe it in different ways uh... (speech delayed), thinking of conference interpreting like there is no one who is able to pick-up uh ... (speech delayed), to see who is interpreting from his booth or her booth. You need to have good listening skills to convey message accurately from the source language to the target language.*

**Participant 8:** *To be honest with you, I am not sure exactly what these models are. However, my understanding is that a model is a certain protocol that one as a court interpreter has to follow, which can be on different strategies of interpreting. It can be simultaneous, eh ... (speech delayed), consecutive or any form of interpreting which may include talking to a person telephonically, or on skype. All those stra... (did not complete the sentence), or ways of interpreting has their own protocol which we should follow. So, I believe eh ... (speech delayed), as the colleagues have already mentioned that Giles way of eh ... (speech delayed), defines how his or her category of interpreting goes. So I believe is something like that, but I am not sure, I am very sorry about it.*

**Participant 9:** *What I learned yesterday about Giles model is that interpreting requires mental energy. Sometimes interpreting requires effort that is not available.*

**Participant 10:** *I will, say models are guidelines for interpreters and I do not know because I think the question how many ...*

**Facilitator:** *(interjects). Which models do you use?)*

**Participant 10:** *Ja (Yes). No. I really do not know much. However, I think uh ... (speech delayed), according to what we have been taught, I know consecutive and short consecutive interpreting models but I cannot elaborate more.*

**Participant 11:** *Models. I think it is a certain way of labelling interpreting as uh ... (speech delayed), consecutive interpreting and there is community interpreting. There is conference interpreting and simultaneously. Modelling itself, is labelling different type or different styles of interpreting. Well, the one that I am more familiar with and I would love to use is consecutive.*

**Participant 12:** *I can name two models, namely consecutive and simultaneous, which are used in different situations or different places. Eh ... (speech delayed), consecutive can be used in court and simultaneous can be used in conferences. The one that I am familiar with is consecutive.*

**Participant 13:** *I will talk about consecutive and simultaneous interpreting. Um ... (speech delayed), I did practice both and I agree with Giles' explanation, that especially in simultaneous that it involves lot of mental energy and somewhere, somehow it also affects your performance. However, the more you concentrate and you learn the skills, it is one of the models also used in conferences. In our country, in many workshops run by government, simultaneous interpreting used.*

**Participant 14:** *I did not know what models of interpreting are, until I came to this workshop. I think it is a research that done by someone who is an expert in a field. This person create guidelines, or sharpen the skill you should have in performing interpreting. So I think I know of Giles' model of interpreting because he explained eh ... (speech delayed), a few things that can assist you in being an effective interpreter in different settings.*

*For example, like in simultaneous interpreting, medical interpreting, and community interpreting, by increasing your vocabulary, using your brain, having enough rest, and avoiding distractions when interpreting. That will help my interpreting quality if I follow models of interpreting such as Giles' model of interpreting.*

**Facilitator:** *Thank you very much for your participation. Any questions? Are you tired?*

**Participants:** *Yes.*

**Facilitator:** *Have a cup of tea.*

**Participants:** *Thank you.*

## **Appendix M:** Transcripts of Focus Group 3 Discussions

**Facilitator:** *We thank you all for coming. We are going to do focus groups. You have already signed a letter of consent (The letter was read to the participants during the de-briefing, before the focus group discussion was video- recording) therefore, I am not going to read it all for you. I am going read the first paragraph. It reads as follows: Dear participant, you are being invited to participate in a research study on the formulation of court interpreting models: A South African perspective. In particular, we are interested in finding out whether you are knowledgeable regarding the different types of interpreting models. The study will lead to the development or formulation of interpreting models for South Africa court interpreters, which will guide them in their daily work. The models will also help to clarify the role of court interpreters. I will read the last part, because you have already signed this).*

**Declaration:** *You are saying that 'I have read the above information regarding this research study, on the 'Formulation of court interpreting models: A South African perspective. In consenting to participate in this study, you say "I am aware that the proceedings will be video-recorded or tape-recorded, (in this case, we are video-recording you), and that my identity will be kept confidential". Do you agree?*

**Participants:** *Yes.*

**Facilitator:** *Thank you. Now comes the job. All of you are going to do this, I guess. We are going to start here. (Facilitator is holding a paper in her hand, and reads from it.). In your own words, define the following terms or phrases: a court interpreter.*

**Participant 1:** *A court interpreter is a person or a professional interpreter who facilitate communication between two parties in a court case.*

**Facilitator:** *Lady, what is a court interpreter according to you?*

**Participant 2:** *According to me, I say it is a person who is a language specialist and is familiar with legal terminology and proceedings in a court.*

**Facilitator:** *The gentleman there.*

**Participant 3:** *I think eh ... (speech delayed), is eh ... (speech delayed), somebody who can facilitate eh ... (speech delayed), the ... (speech delayed), the ... (speech delayed), communication between the two parties in a court. Somebody who has knowledge about law.*

**Facilitator:** *Lady.*

**Participant 4:** *It is a person who helps in court proceedings on the language aspect, if they are using two or more languages.*

**Participant 5:** *To my understanding, it is someone who knows more than one language, uh ... (speech delayed), who helps during court session to ... (speech delayed), in a process of conveying a message from one party to another, uh ... (speech delayed), in different languages. From the other language to the target language.*

**Participant 6:** *Um ... (speech delayed), a court interpreter is someone who facilitates, and that person should know um ... (speech delayed), should be good at languages and the person should also um ... (speech delayed), um ... (speech delayed), someone who's um ... (speech delayed), faithful, someone who is good with people and uh ... (speech delayed),*

**Facilitator:** *Is it fine?*

**Participant 6:** *Yes.*

**Facilitator:** *Ok.*

**Facilitator:** *A court interpreter.*

**Participant 7:** *It is a person who makes two people who speak two different languages, to understand each other.*

**Facilitator:** *A court interpreter.*

**Participant 8:** *A court interpreter is the facilitator between the two parties who do not speak or understand the same language in court.*

**Facilitator:** *A court interpreter.*

**Participant 9:** *Simply, I will say it is person who does interpreting for court parties.*

**Facilitator:** *A court interpreter.*

**Respondent 10:** *A court interpreter is a facilitator of communication between two parties who do not understand each other in court. The one who will serve as a mediator so that the two parties can clearly understand each other, and the results to be fruitful to both parties. The results are important because you facilitate communication between them.*

**Facilitator:** *Court interpreter.*

**Participant 11:** *Um ... (speech delayed), is the one who facilitates communication between the original source language and the original target language.*

**Facilitator:** *A court interpreter.*

**Participant 12:** *It is a linguistic mediator between legal participants, eh ... (speech delayed), participants in the courts. That is what I call legal eh ... (speech delayed), I mean a court interpreter.*

**Facilitator:** *A court interpreter.*

**Participant 13:** *To keep it simple, a facilitator who interprets into different languages to assist in the court.*

**Facilitator:** *A court interpreter.*

**Participant 14:** *A court interpreter is a communication officer who assist the court and the people who are attending the court, to understand the procedure in the courtroom.*

**Facilitator:** *What do you understand by interpreting?*

**Participant 1:** *Interpreting is a process, a person who has knowledge of languages eh ... (speech delayed), trying to break the barrier between two people who are not speaking the same language and to report the message in the language he knows.*

**Facilitator:** *Interpreting.*

**Participant 2:** *Interpreting is eh ... (speech delayed), delivering what is said in the courtroom from the source language, either English or Afrikaans, into the language of preference and vice versa in real time.*

**Facilitator:** *Interpreting.*

**Participant 3:** *Eh ... (speech delayed), facilitation of information between two parties.*

**Facilitator:** *Interpreting.*

**Participant 4:** *It is a process of ... (speech delayed), it is process by a human being, interpreter, who listens and analyse with understanding of the language that preferred by the two parties and conveying the message or give the results of ... (speech delayed), of what is being said.*

**Facilitator:** *Interpreting.*

**Participant 5:** *Uh ... (speech delayed), Interpreting is eh ... (speech delayed), whereby you ... (speech delayed), it is a process where you have to remember, take notes, and you have to uh... (speech delayed), and after that, you ultimately convey.*

**Facilitator:** *Interpreting.*

**Participant 6:** *Eh ... (speech delayed), to listen attentively to what the source is saying, understand the message, and reformulate and re-transcript it orally into a second language.*

**Facilitator:** *Interpreting.*

**Participant 7:** *It is a process in which you first listen uh ... (speech delayed), to what is said, whilst your mind starts to analyse an utterance in a target language, and retransmit those utterances into a source language.*

**Facilitator:** *Interpreting.*

**Participant 8:** *It is a process of listening, note taking, memorizing, and then uttering from the source language to the eh ... (speech delayed), from the source speaker to the target.*

**Facilitator:** *Interpreting.*

**Participant 9:** *Interpreting is a complex process, where an interpreter analyses, listens, analyse the source language in his mind, and after processing all of that, taking out the message to the target language and make it understandable and clearer to the listeners.*

**Facilitator:** *Interpreting.*

**Participant 10:** *It is a process that takes place in two phases, where phases one is listening and analysing, taking notes, and memorizing. Phase two is remembering ... (inaudible) and producing.*

**Facilitator:** *Interpreting.*

**Participant 11:** *It is when someone can listen with an understanding and be able to produce what two parties that are participating require.*

**Facilitator:** *Interpreting.*

**Participant 12:** *It is listening to the source language information, comprehending and analysing it with the purpose of verbally expressing it in the target language or uh ... (speech delayed), using sign language to express the information.*

**Participant 13:** *Uh ... (speech delayed), it is a process of listening and memory taking and eh ... (speech delayed). Sorry, can I start again? It is a process of listening and analysing the information given to you, and transferring it into another language.*

**Respondent 14:** *It is a process of verbal communication, where one must listen, understand, and convey to the other person, who does not understand the same language.*

**Facilitator:** *Why do you think it is important for court interpreters to have the knowledge of the culture of the language from and into which they interpret? From the source language, you must know the culture, from the source into the target language, why is it important for an interpreter to know that.*

**Participant 1:** *It is important for the interpreter to know the culture because he has to put the word in the context the source language says it.*

**Facilitator:** *Why is it important?*



**Participant 2:** Can you put the question again please?

**Facilitator:** Why do you think it is important for the court interpreter, in interpreting, to have the knowledge of the culture of the languages, from and in to which they interpret? The languages that they interpret from and the languages that they interpret into.

**Participant 2:** Because South Africa has different cultures, eh ... (speech delayed), I would say for example eh ... (speech delayed), in a white culture when you do not make eye contact, you are seen to be disrespectful. However, for black people, when I am speaking to an adult, I am not supposed to make eye contact, which is a sign of respect. Therefore, as an interpreter I have to be able to understand the two cultures. In the black culture, I will not be able to look into the eyes of black adult when talking to them. If I do this, I am perceived as being disrespectful to them, whereas it is the other round for a white person.

**Participant 3:** I think it is important because, in African languages for example, one word might mean three or four different things. When you write it, it will be the same spelling, same ... (speech delayed), what can I say ... (speech delayed), when you utter it out ... (speech delayed), that ... (speech delayed), I do not know how to put but it will be the same. However, it will mean different things, whilst you are using only one word. It is therefore, important to know different cultures because some people use culture in a different way from another culture.

**Respondent 4:** Well ... (speech delayed), two different languages eh ... (speech delayed), different cultures differs. Therefore, as an interpreter I have to know the different cultures so that whenever I am interpreting for ... (speech delayed), for any other members, I will know what to say so that it can be clear and understandable to the other party.

**Participant 5:** I think it is important because when we focus on the cultural aspect you do not offend other people. Sometimes, people can say something that afterwards will leave a question mark of what they are trying to say. If we focus on culture, it also helps so that everyone can understand, and we will be showing to be considerate of other people. Therefore, it is very important that we consider culture.

**Participant 6:** Um ... (speech delayed), It is important because cultural background can be expressed in a language. An interpreter must be aware and notice that this expression is a cultural language, and he needs to interpret that correctly in the other culture and vice versa.

**Facilitator:** Why is it important?

**Participant 7:** Culture is very important. It affects interpreting in many ways. Um ... (speech delayed), it can affect respect if the meaning is disrespectful. May offend at the same time or you might not understand what is said because of culture. As a result, it may affect what is supposed to be communicated or interpreted. It is, thus, very important for many reasons.

**Participant 8:** As an interpreter, I have to know cultures of both parties so that I do not offend them. As mentioned that eh ... (speech delayed), if I am in a court situation I can either sink people or uplift them. If I do not know the cultures, I might just sink them because of what I have said, which is different from what has been said.

**Participant 9:** Uh ... (speech delayed), It is important to understand culture or both cultures. As a mediator who facilitates communication between parties, you are able to make both parties to understand each other. When they understand each, the results will be clear to both of them. In other words, the message becomes clear to them. Where necessary, eh ... (speech delayed), if you explain the cultural aspect of the other party, the other end-user understand such user's background, whether he is offensive or humble, pleading or he is outright disrespectful. So understanding the culture of both sides will help to give the best results as an interpreter.

**Participant 10:** Um ... (speech delayed), in order to have a clear understanding of what is said um ... (speech delayed), so that one can express it clearly into the target source.

**Participant 11:** As interpreters, our main job ... (speech delayed), we want to help. Therefore, if we understand the culture, we will be in a better position to help the person. We would understand the unspoken gestures, eh ... (speech delayed), and understand the cultural background.

For example, in Sepedi they would say 'Mafura a ngwana ke go romiwa' (The advantage of having a child is that you have someone who can do certain things on your behalf). Somebody who speaks English would not understand that statement. It is therefore, in order for the next person who does not speak the language to understand the background of the person.

**Participant 12:** For the trans ... (did not complete the sentence), for the interpretation to be accurate, eh ... (speech delayed), clear and natural, the interpreter has to take into account the cultural background of the speakers of both the source and the target language. Because ignoring the cultural components of the speech of the speaker may result in the production of inaccurate and incomplete tran ... (did not complete this sentence), interpretation of the message, which may have irreversible consequences uh ... (speech delayed). In instances where the cultural aspect is wrongly interpreted, it may lead to someone being convicted wrongfully. Whereas when ... (did not complete the sentence), and that may lead to other consequences, which can be irreversible. So, for one to interpret accurately, naturally, and clearly, one has to understand both the cultural background of the speakers.

**Participant 13:** I did not get the question.

**Facilitator:** Why do you think is important for the court interpreter to have the knowledge of the culture of the languages from and into which they interpret?

**Participant 13:** Ok. I think it is very important because it forms a solid platform where a person should know other cultures. Because some people do not come from the same environment. Some people come from urban areas, some come from rural areas and we do not speak the same languages. Sometimes you find that a person who comes from a rural area is using difficult words, and the one from urban area is using simple words, for example mixing them with English and so on. That is why it is so important.

**Participant 14:** The culture assist the interpreter to understand the environment where he is working, as well as the community he is working with. It also helps him to understand the lingo used in that area. For example, in prison, the prisoners have their own language that they are using.

Another example is that of a suburb called Eersterus, where there are Afrikaans speaking people who speak Afrikaans that is not the same as the original Afrikaans. It is in such situations where it is important for the interpreter to understand these cultural aspects.

**Facilitator:** Describe your duties as a court interpreter. What are your duties?  
Describe your duties as a court interpreter

**Participants:** Laughing.

**Facilitator:** Hello. I am here (drawing attention of participant 1 who was at that stage looking away). Describe your duties as a court interpreter. That is the last one.  
Describe your duties as a court interpreter. What are your duties? Why do you think are they your duties?

**Participant 1:** My duty as a court interpreter is first, to facilitate the communication between two parties. Second, eh ... (speech delayed), to do it according to the ethical eh... (speech delayed), rules, everything about this profession.

**Facilitator:** The duties.

**Participant 2:** Uh ... (speech delayed), The duty of the interpreter is eh ... (speech delayed), first to assist the client or rather the parties who are in the courtroom, by delivering the speech from the source language to the desired language, and making sure they understand and that everything is correct.

**Facilitator:** Duties.

**Participant 3:** The duty is to facilitate information, eh ... (speech delayed), communication between the two parties, both eh ... (speech delayed), professionally and ethically.

**Participant 4:** The duties ... (speech delayed), the most important thing is to have good listening skills, and then understanding the information produced by the source, and to transfer it into the ... (speech delayed), 'I'm lost'...

**Facilitator:** You are lost.

**Participant together with the others:** Laughing.

**Facilitator:** *Ok. The duties.*

**Participant 5:** *My duty um ... (speech delayed), is um ... (speech delayed), is to bridge um ... (speech delayed), communication gaps between the participants. Listen to the source language so that I can translate it to the target language.*

**Participant 6:** *Since the duty of the interpreter is to facilitate communication between two parties who do not speak the same language. Then the duty will be to fulfil that by paying attention to what is said, and transmit the correct expressions in the source language to the one who is speaking, either the judge or the magistrate. By so doing you will be fulfilling these duties.*

**Participant 7:** *My duty as an interpreter is mainly to take forward the utterance of the witness to the judge or whoever, to be able to understand eh ... (speech delayed), clearly understand what the witness is saying. At the same time, to remain neutral and impartial, and not taking sides. You are only there to forward that witness's utterances.*

**Participant 8:** *The duty of the court interpreter is to make sure that the two parties understand each other. To listen attentively and to make sure that all other things that are to be done in court, like medical records or whatever records, she understands them and she knows what is going on in the record.*

**Participant 9:** *The court interpreter's duties are to facilitate communication. As a language practitioner, uh ... (speech delayed), her job is to make sure that the two parties understand each other in court.*

**Participant 10:** *Um ...my duty as an interpreter is to make sure that I have good vocabulary, understand acronyms, and cultural aspects. Synonyms are important, and I have to understand these when I ... (speech delayed), (what you call these) um ... (speech delayed), when I ... (speech delayed), gather information from the original source to the target source.*

**Participant 11:** *My duty is first to understand why am I here. The main thing is for communication purposes, to fulfil the legal roles and to know that I am responsible for ensuring that the language rights of the accused person are observed.*

**Participant 12:** *To bridge communication gap between the court participants.*

**Participant 13:** *To bridge the communication boundary between people who speak different languages in a court so that they can create ... (inaudible).*

**Participant 14:** *My duty is to interpret to the best of my ability so that everybody in the courtroom must follow and understand what is happening.*

**Facilitator:** *The last question. What is your understanding of a model of interpreting and which models do you use?*

**Participants:** *Laughing and smiling, showing excitement.*

**Facilitator:** *I know that when I say the last question people will sigh, feel relieved.*

**Participants:** *No, we want more.*

**Facilitator:** *You did not show that you want more.*

**Facilitator:** *What is your understanding of a model of interpreting? That is subsection one. Subsection two, which model do you use? You as an interpreter. Question 1: What do you understand by a model of interpreting? That's number one. Number two, which model do you use?*

**Facilitator:** *My brother...*

**Participant:** *I am coming to you.*

**Other participants:** *Laughing.*

**Facilitator:** *You needed revision, I guess. Maybe I should start this side.*

**Some participants:** *Please.*

**Other participants:** *No.*

**Facilitator:** *Start there. Start this side.*

**One of participants:** *Oh, no.*

**Facilitator:** *What is your understanding of a model of interpreting? Part one. Part two, which models do you use? You are an interpreter. Which model do you use?*

**Participant 1:** *I understand that there are two modes in interpreting, which are consecutive mode and a ... (speech delayed), (participant laughing and raising hands up in the air)*

**Facilitator:** *Simultaneous.*

**Participant 1:** *Simultaneous one. The one that I am using is a consecutive mode, as I interpret in the courtroom.*

**Facilitator:** *Models.*

**Participant 2:** *(folding arms and leaning on the desk). There are two. Simultaneous, is the one that I normally use and that is where I have to interpret while the speaker is still eh ... (speech delayed), speaking, listening to him and formulating the ideas in the target language. In addition, there is the consecutive, where the interpreter has more chance to assimilate, to comprehend the information from the source language into the target language. It is used mostly in the court setting. In court, they use consecutive a lot.*

**Facilitator:** *What do you understand about the models of interpreting, and which models do you use?*

**Participant 3:** *Models of interpreting refer to the two ways that interpreting is done. It is simultaneous, which is done immediately. The speaker will give the message out and the interpreter will lag along behind, simultaneously. The second model will be consecutive. When the speaker will make a speech and there will be one party speaking at a time and after a while, the interpreter will process that and give out the message to the second party. I am using both. The one that I use when interpreting in conferences, is simultaneous interpreting, and consecutive interpreting is for medical field.*

**Participant 4:** *Eh ... (speech delayed), models or modes, refer to the manner in which I interpret into. So ...*

**Facilitator:** *(interjects) Thank you, the first one.*

**Participant 5:** *I use short consecutive model, which is short sentences and then I interpret.*

**Participant 6:** *Modes refer to the way of communication. It can be consecutive or simultaneously, eh ... (speech delayed), sometimes summaries, and sign language as well. Each of them is different from the other. For instance, in consecutive you wait for the speaker to finish the sentence and then you interpret. Simultaneously is the one in which you interpret at the same time the speaker speaks. Summary is when you summarise what the speaker is saying, and sign language mode is when you sign simultaneously as the speaker speaks. Of the four that I have mentioned, I think consecutive will do in court interpreting.*

**Facilitator:** *You think so or is what you do?*

**Participant 7:** *I am not an interpreter yet but I am interested in court interpreting.*

**Participant 8:** *I am also not an interpreter yet, but I will say eh ... (speech delayed), the mode one is the manner in which interpreting proceeds. I remember two, consecutive and summary.*

**Facilitator:** *Models. What do you understand by models of interpreting?*

**Participant 9:** *Leaning with his right side to the desk, quiet and looking down*

**Facilitator:** *Models.*

**Other participants:** *Look at participant 9 and laugh.*

**Facilitator:** *Models. What do you understand by models of interpreting, and which models do you use?*

**Participant 9:** *The manner in which interpreting is done.*

**Facilitator:** *Which one do you use?*

**Participant 9:** *Uh ... (speech delayed), I use eh ... (speech delayed), simultaneous, uh ... (speech delayed), which uh ... (speech delayed), when the speaker starts to speak, I do my interpreting simultaneously with the speaker.*

**Participant 10:** *Um ... (speech delayed), simultaneous interpreting and uh ... (speech delayed), consecutive interpreting. Simultaneous uh ... (speech delayed), interpreting is whereby eh ... (speech delayed), eh ... (speech delayed), it is interpreting at the same time.*



Consecutive interpreting eh ... (speech delayed), you have to wait for the original speaker to talk and then you interpret. That thing is done ... (inaudible). I cannot interpret when the original speaker is speaking at the same time.

**Participant 11:** I understand the meaning of interpreting by ... (speech delayed), ok. Interpretation is performed in two ways. There is simultaneous and consecutive. In simultaneous, that is where the sign language ... (inaudible) because the time when someone is delivering the message, that is the time when you also do signs. The other part of simultaneous is when you will be following or repeating whatever the person or the message is being delivered, into a different language. In consecutive, it will be ... (speech delayed), there are two types of consecutive. It is short consecutive and long consecutive. In short, you will be given ... (did not complete the sentence), a person will be saying a sentence, and gives you time to interpret. In the long one, it will be like in a summary way, where a person will speak for a long time and you summarising, delivering the message.

**Participant 12:** Sorry, I do not know if you talk about mode or model.

**Facilitator:** Models. There are models and there are modes.

**Participant 12:** Ok, I understand that it is used as a guide for interpreting. I use the cognitive one, which is a pedagogical one.

**Participant 13:** Eh ... (speech delayed), so what I grasped from model of interpreting, eh ... (speech delayed), is that there is cognitive model of interpreting, where the interpreter has to understand and analyse what is being said. In order to break the barrier so that the receiving end can clearly understand what is said.

**Participant 14:** I would like to say the way everybody ... (did not complete this sentence), it is the way interpretation is delivered. It may be simultaneous or eh ... (speech delayed), (participant looking at a paper in front of him) consecutive one. It depends in the setting in which you deliver this interpretation. Generally, in the courts, we use consecutive because it only allows one person to speak at a time. However, in case of sign language, you can use simultaneous in court. Simultaneous is used during the conference or the meeting.

**Facilitator:** Ok. Thank you very much, ladies and gentlemen. Maybe you can stop recording us. Some participants: Laughing.

## **Appendix N: Application for Courtroom Observations at Pretoria Magistrate's Court**

5 April 2017

The Court Manager

Pretoria Magistrate Court

Private Bag X61

Pretoria

0001

Dear Mr Nduzulwana

My name is Samuel Lebesse, a PhD student and a lecturer in the Department of Linguistics and Modern Languages, at Unisa. My research topic is 'Formulation of court interpreting models: a South African perspective'. The aim of my study is to formulate court interpreting models that represent the linguistic and cultural frameworks that speaks to South Africa context, since the international models lack the specificity to do so.

As part of my data collection and analysis, I need to observe a few cases involving court interpreting. Since the role of court interpreters influence the model of interpreting, the aim of my observations is to observe the actual role played by court interpreters during court proceedings. It is from the analysis of this role that I will be formulating South African models of interpreting. The identity of court interpreters observed, shall be protected and their names shall not be disclosed during the analysis stage.

I therefore, request to be granted permission to come and observe about 5-10 cases. Accompanying this request, please find a copy of the approval of ethical clearance, granted by the Department of Linguistics and Modern Languages in respect of this research. I also attach a copy of a consent form in respect of court interpreters who will be observed.

I hope my request will be favourably considered and permission granted.

Yours sincerely,

Samuel Lebesse

Mr Samuel Lebesse

Lecturer

Department of Linguistics & Modern Languages

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## Appendix O: Permission for observations

